

- HB 340** **PUBLIC ASSISTANCE** (Young, R.) Regarding the release of information concerning public and medical assistance recipients. (4th Hearing-Possible substitute & vote)
- HB 64** **RECORD EXPUNGEMENT** (Schuring, K., Reece, A.) To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity. (5th Hearing-Possible substitute)
- HB 383** **CHILD CARE** (Carfagna, R.) Regarding parental notice of serious risks to the health or safety of children receiving child care. (2nd Hearing-Proponent)
- HB 309** **PARENTAL RIGHTS** (Gonzales, A., Rezabek, J.) To generally prohibit a person's blindness from being used to deny or limit custody, parenting time, visitation, adoption, or service as a guardian or foster caregiver, regarding a minor. (3rd Hearing-All testimony)
- HB 366** **CHILD SUPPORT** (Gavarone, T.) To make changes to the laws governing child support. (2nd Hearing-Proponent)

Agency Calendar

State Personnel Board of Review, 12th Fl., 65 E. State St., Columbus, 10 a.m.

State Dental Board, 77 S. High St., 19th Fl., Columbus, 1 p.m.

BWC Pharmacy & Therapeutics Committee, 30 W. Spring St., Room 2 on Level 2, Columbus, 1:30 p.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Event Planner

Rep. Tim Schaffer (R-Lancaster) fundraiser, Athletic Club of Columbus, 136 E. Broad St., Columbus, 11:30 a.m., (Sponsor: \$1,000; Host: \$500 to Tim Schaffer for State Representative)

Rep Bill Reineke (R-Tiffin) and Rep. Steve Hambley (R-Brunswick) fundraiser, deNovo, 150 S. High St., Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Hambley for House Committee and Friends of Bill Reineke)

Rep. Kirk Schuring (R-Canton) fundraiser, Athletic Club of Columbus - Parlor A/B, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to Citizens for Schuring Committee)

Rep. Kristin Boggs (D-Columbus) fundraiser, Club 185, 185 E. Livingston Ave., Columbus, 5:30 p.m., (Sponsor \$500, Host \$250, Guest \$100 to Boggs for Ohio)

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House Activity for Tuesday, December 5, 2017

INTRODUCED

HB 437 ■ **ROAD NAMING** (Gavarone, T.) To designate a portion of State Route 65 in Wood County as the "Marine Sgt. David R. Christoff, Jr. Memorial Highway." En. 5534.77.

PASSED

SB 71 ■ **AGENCY CONTRACTS** (Manning, G.) To allow a board of alcohol, drug addiction, and mental health services to authorize its executive director to execute contracts valued at \$50,000 or less without the board's prior approval.

90-2 (Dean & Hood)

Gongwer Coverage

HB 229 ■ **DAY DESIGNATION** (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day."

88-0

HB 254 ■ **POW/MIA FLAG** (Wiggam, S.) To enact the POW/MIA Remembrance Act requiring the POW/MIA flag to be displayed at certain buildings operated by the state on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day, and Veterans' Day.

89-0

Gongwer Coverage

HB 312 ■ **POLITICAL SUBDIVISION SPENDING** (Schuring, K., Greenspan, D.) Regarding use of credit cards and debit cards by political subdivisions.

90-0

Gongwer Coverage

HB 329 ■ **PYRAMID SCHEMES** (Pelanda, D.) To modify the law governing pyramid promotional schemes.

91-0

Gongwer Coverage

HB 354 ■ **COURT JURISDICTION** (Reineke, B.) To provide the Tiffin-Fostoria municipal court with concurrent jurisdiction with the Seneca County court of common pleas in operating a drug addiction recovery program.

91-0

Gongwer Coverage

HB 362 ■ **HPRS RETIREMENT** (Carfagna, R., Ramos, D.) To revise the law governing the State Highway Patrol Retirement System.

91-0

HB 380 ■ **WORKERS COMPENSATION** (Seitz, B., Householder, L.) To prohibit illegal and unauthorized aliens from receiving compensation and certain benefits under Ohio's Workers' Compensation Law.

62-30

Gongwer Coverage

HR 236 ■ **HYPERLOOP** (Hughes, J.) To express support for the Hyperloop Transportation Initiative.

88-3 (Becker, Brinkman & Hood)

Gongwer Coverage

HCR 10 ■ **ANTI-SEMITISM** (Thompson, A., Greenspan, D.) To condemn the Boycott, Divestment, and Sanctions movement and increasing incidents of anti-Semitism.

92-2 (Howse & Kent)

Gongwer Coverage

HOUSE CONCURS IN SENATE AMENDMENTS

HB 132 ■ **FANTASY CONTESTS** (Dever, J., McColley, R.) To grant the Ohio Casino Control Commission the authority to regulate fantasy contests and to exempt fantasy contests from the gambling laws.

86-3 (Boccheri, Hood & Ramos)

Gongwer Coverage

RESIGNATION ACCEPTED

Rep. Rob McColley, Republican, 81st District, effective December 5, 2017

ADOPTED

HR 316. (Rosenberger) Relative the election of Rep. Bill Reineke as assistant majority whip. VOTE: 92-0

HOUSE SPEAKER'S APPOINTMENTS

Ohio Public Works Commission: William A. Woodward

COMMITTEE HEARINGS

Government Accountability & Oversight

HJR 4 ■ **UNEMPLOYMENT COMPENSATION** (Schuring, K.) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program. (**CONTINUED (No testimony)**; 5th Hearing-All testimony)

SB 10 ■

PRIMARY ELECTIONS (LaRose, F.) To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. **(CONTINUED; 1st Hearing-Sponsor)**

Sponsor **Sen. Frank LaRose** (R-Copley) said the bill would save taxpayers money by eliminating unnecessary uncontested primaries.

Current law says a primary has to occur when more than one candidate files to run for an office, even if all but one withdraw before the election.

"Under this bill, the need for a primary would not be triggered by the number of candidates who file, but instead by the number of candidates who are certified as a candidate," he said. "This much-needed reform would ensure that primary elections would no longer be required when one or more candidates of any party die, withdraw, or become disqualified when the number of remaining nominees is equivalent to the number of candidates allowed for that party and office."

The proposal would also remove a requirement to hold a special primary election if the person nominated as a congressional candidate withdraws or dies more than 90 days before the general election. If only one candidate files, no special primary would be held.

"These commonsense reforms will provide greater efficiency in the administration of our elections and remove an unnecessary financial burden placed on our local communities, and the state, resulting in significant savings for Ohio's taxpayers," he said.

Sen. LaRose said the bill would increase the confidence of voters by avoiding situations where taxpayer money is spent on unnecessary elections.

The sponsor told Chairman **Rep. Louis Blessing** (R-Cincinnati) said the bill is an expanded version of a House bill proposed last year that applies to state and local elections instead of just federal elections.

SB 44 **CAMPAIGN FINANCE (LaRose, F.)** To allow certain campaign committees and other entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those electronic statements available online. **(REPORTED (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)**

HB 341 **PUBLIC RECORDS (Huffman, S., Cera, J.)** To include judges as individuals whose residential and familial information is exempt from disclosure under the Public Records Law, and whose addresses public offices, upon request, must redact from records available to the general public on the internet. **(REPORTED; 5th Hearing-All testimony-Possible amendments & vote)**

The committee voted unanimously to report the bill.

Pamela Heringhaus, president of the Ohio Association of Magistrates, expressed support for the bill in written testimony. She thanked the committee for an amendment that includes magistrates alongside judges in the list of people whose personal information is exempted from public records disclosure.

"As judicial officers, we perform many of the same functions as judges," she wrote. "This includes holding hearings and making decisions that affect individuals. Often the individual associates a negative outcome to

his/her case with the person who conducts the hearing. We are frequently reminded to protect our safety and our family's safety, both in the courthouse and outside the courthouse."

Extending the protection to magistrates, she said, provides protection to all judicial officers at the same level of other public service workers.

HB 361 **TAX COMPLAINTS (Greenspan, D.)** To increase the time within which boards of revision must decide property tax complaints. (REPORTED; 4th Hearing-All testimony-Possible amendments & vote)

The committee reported the bill unanimously.

Kent Scarrett, executive director of the Ohio Municipal League, said in written testimony that increasing the timeframe to 180 days will help local governments deal with backlogs of tax complaints.

"It is important that we ensure local governments can process these complaints fairly and accurately," he wrote. "Increasing the timeframe to 180 days gives those governing bodies adequate time to properly assess and decide complaints, rather than rushing through them in an attempt to avoid pileups or delays."

HB 382 **UNEMPLOYMENT COMPENSATION (Schuring, K.)** To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law. (CONTINUED (No testimony); 5th Hearing-All testimony-Possible amendments & vote)

HB 410 **TRAFFIC VIOLATIONS (Seitz, B., Butler, J.)** To grant municipal and county courts original and exclusive jurisdiction over any civil action concerning a traffic law violation, to specify that the court require an advance deposit for the filing of specified civil actions by the local authority bringing the civil action, and to modify the reporting requirements and LGF withholding that apply to subdivisions that operate traffic law photo-monitoring devices. (CONTINUED (See separate story); 1st Hearing-Sponsor)

HB 411 **WRONGFUL IMPRISONMENT (Seitz, B., Sykes, E.)** To modify the state's wrongful imprisonment law. (CONTINUED; 1st Hearing-Sponsor)

Sponsor **Rep. Bill Seitz** (R-Cincinnati) said a similar proposal was included in the budget bill (**HB 49**) but was removed in the conference committee process.

He said previous bills initially limited compensation only to people who established on appeal or in post-conviction actions that they were innocent, and then were expanded to those whose convictions were reversed subsequent to sentencing due to errors in procedure.

Rep. Seitz said the bill would correct a misapplication by the Ohio Supreme Court, which said the error in procedure had to happen after sentencing, not the lawmakers' intent that the error was discovered after sentencing.

The sponsors worked with the Ohio Prosecuting Attorneys Association to work on compromise changes to the language initially included in the budget.

He said the bill would not increase the amount of compensation, and only applies to errors of procedures that entail Brady violations. Those are constitutional errors in which the state withholds evidence from the defendant that would tend to show he or she was not guilty.

The bill would not apply in other constitutional violations, such as search and seizure or ineffectiveness of counsel violations.

The proposal would also say any money recovered by the inmate in a civil rights suit would be offset against the allowable compensation, and requires that any debts owed by the prisoner to the state, such as back taxes and child support, would be deducted from the compensation.

Sponsor Rep. Emilia Sykes (D-Akron) said 14 Ohioans were released from prison from 2014 to 2017 due to wrongful convictions.

"House Bill 411 is important because it streamlines the process for wrongful convictions," he said. "A wrongful conviction even if only a minute is spent in prison deserves compensation because it is due to the negligence of the State of Ohio. As a state we are charged with protecting our citizens and that also means protecting the rights of the accused. This legislation will not only allow compensation for wrongfully convicted felonies but misdemeanors as well."

HB 430 **ENERGY TAX EXEMPTION** (Schaffer, T.) To expand the scope of a sales and use tax exemption for certain kinds of property used in the production of oil and gas. (**SCHEDULED BUT NOT HEARD**; 1st Hearing-Sponsor)

Ways & Means

HB 343 **PROPERTY VALUES** (Merrin, D.) To require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners. (**CONTINUED**; 4th Hearing-All testimony-Possible substitute, amendments & vote)

Following opponent testimony, Sponsor Rep. Derek Merrin (R-Maumee) briefed the panel on three planned amendments that he said should alleviate some concerns raised by stakeholders. One would base notification requirements on ownership versus a per-parcel standard; the second would allow notifications by certified or regular mail; and the third would allow for valuation challenges to continue in cases in which property owners were misidentified in paperwork.

The sponsor said the goal is to increase transparency in the process and pushed back against arguments that it was an undue burden. Instead, he called it a "common courtesy" that property owners would be alerted to such challenges.

Mike Sobul, CFO/treasurer of the Granville Exempted Village School District, testified against the bill, saying it "places undue burden and constraints on Boards of Education in order for them to act at County Boards of Revision."

He described the process at Granville, which is overseen by himself and the superintendent as the appropriate "administrative function within a school district, working within policies or guidelines set by the Board."

"To set law to require Boards of Education to take action on every single challenge or counterchallenge places administrative burdens on the Board that are not necessary. In addition, the time constraints contained in

current law for filing counter-complaints may require special Board meetings in districts where Boards of Education only meet monthly in order to comply with the new requirements," he said.

"Besides the procedural issues with HB343, proposed laws such as this one, HB371, SB123, and various other proposals that attempt to restrict property taxation and the ability of school districts to enact property taxes do not fit well with the school funding system in the state. As long as the state is going to require a local share of funding, and I am not arguing that this should not be case, proposals to restrict local taxation are very troublesome."

Mr. Sobul said he agreed that boards should at least receive summary information concerning property challenges the district is filing and that law firms should "not be blanket filing without first consulting with district administration."

Saying he had gotten feedback from school treasurers in his district that most challenges are filed after recent property sales, Rep. Michael Henne (R-Clayton) asked if the bill would be more palatable if such challenges were removed from the requirements in the bill.

Mr. Sobul responded that he couldn't envision circumstances beyond a recent sale that would trigger a challenge, so he wasn't sure if it would have much effect.

Rep. Scott Ryan (R-Newark), the former Licking County treasurer, said Granville schools takes the right approach with valuation challenges but "that's not the case in all districts, in all counties."

Mr. Sobul said he doesn't necessarily have an issue requiring approval from district administration, adding: "I think what we do is a best practice." But from a legal standpoint, he said the bill places unnecessary "hoops" before school officials. He said it's appropriate for people hired by the board to operate the schools to be in charge of the process.

"To me, this is part of the daily operation of the district," he said.

The witness also told Rep. Ryan that he believed such actions should not be part of a "consent agenda" approved by the board because they don't fit the mold for such blanket approvals.

Answering other questions from the panel, Mr. Sobul said his district pays tax attorneys on an hourly rate and not a contingency basis for their work, generally concentrates on commercial property values and has about a 90% success rate because officials are very selective in regards to challenges and only target what they deem as significant valuation variances.

Michele Pomerantz, policy and labor liaison for the Cleveland Metropolitan School District, and Matthew DeTemple, executive director of the Ohio Township Association, submitted written opposition testimony.

HB 371 **PROPERTY TAX (Merrin, D.)** To exempt from property taxation the increased value of land subdivided for residential development until construction commences or the land is sold.
(CONTINUED; 4th Hearing-All testimony-Possible amendments & vote)

Brad Cole, managing director of research for the County Commissioners Association of Ohio, submitted written testimony opposing the bill. He said CCAO can't support the measure because: it deviates from the long-standing practice of county auditors valuing land according to true or fair market value; the Legislative Service Commission's Fiscal Note indicates resulting revenue losses "could be substantial"; and under fixed-sum levies

it could result in increasing the level of taxes for certain property owners so that other property owners may pay less.

Mr. Merrin also laid out some proposed amendments for this measure, which he said attempts to address Ohio's low standing in terms of new residential starts.

One amendment would place a 10-year cap on the exemption and another would clarify that development property owners pay taxes on market values versus agricultural values, he said. A third amendment would deal with a technical change.

Financial Institutions, Housing & Urban Development

HB 353 **UNCLAIMED FUNDS (Reineke, B.)** To exempt certain open-loop prepaid cards, closed-loop prepaid cards, and rewards cards from the Unclaimed Funds Law. **(CONTINUED (No testimony); 4th Hearing-All testimony-Possible vote)**

HB 386 **CREDIT FREEZES (Henne, M., Kelly, B.)** To modify the fees that a credit reporting agency can charge in relation to a credit report freeze. **(CONTINUED; 2nd Hearing-Proponent)**

Brian Flick, a partner at DannLaw and Ohio state chair of the National Association of Consumer Advocates, and DannLaw attorney Emily White said the bill is a reasonable and needed response to this year's Equifax data breach.

"As we now know, Equifax inexplicably waited six weeks to inform the public that the breach, which was caused by the company's failure to protect the data in its possession, had occurred in early July," Ms. White said. "As a result, hackers had unfettered access to the drivers' license and social security numbers, medical records, employment histories, and other personal information of more than 143 million Americans."

Allowing consumers to more easily freeze and unfreeze their credit is an essential way to deal with the threat of identity theft, she said.

"Yes, the fee is relatively small, but those fees can add up quickly for two reasons: each person in a household must request a separate freeze and the freeze will have to be kept in place in perpetuity because social security numbers, which never change, are now floating around in cyberspace where they can be used by criminals again and again for years to come," Ms. White said.

Mr. Flick said NACA sees the bill as a step to help protect the credit of Ohioans.

Chairman **Rep. Jonathan Dever** (R-Cincinnati) asked why the legislation is necessary rather than placing automatic fraud alerts on accounts.

Mr. Flick said fraud alerts are not permanent, and typically only last about 90 days. The credit freeze is ongoing and at the discretion of the consumer.

"A credit freeze is just simply a consumer saying I don't want my credit accessed," he said.

Rep. Marlene Anielski (R-Walton Hills) asked how much money the credit agencies would lose out on if the bill is enacted.

Mr. Flick said it would likely be minimal, as relatively few people will exercise the right to freeze and unfreeze credit.

Rep. Anielski asked why the credit reporting agencies not responsible for a breach should be punished.

The bill is an effort to ensure credit reporting agencies protect consumers' data, Mr. Flick said.

HB 390 **FORCIBLE ENTRY (Merrin, D.)** To clarify how to calculate certain timelines under which a forcible entry and detainer action must occur. **(CONTINUED; 2nd Hearing-Proponent)**

Dimitri Hatzifotinos, an attorney representing the Ohio and Columbus Apartment Associations, said his office files about 600 evictions per month in more than 10 counties around the state.

The statutory interpretation of how to calculate the current three-day notice of eviction varies from county to county, and many property owners have properties in different counties.

"As a result, the Ohio Apartment Association is in favor of HB390, which would standardize the eviction process during the termination notice and execution process," he said.

Economic Development, Commerce & Labor

HB 164 **ROOFING CONTRACTORS (Patton, T.)** To require commercial roofing contractors to have a license. **(CONTINUED; 2nd Hearing-Proponent)**

Fred Horner, president of Advanced Industrial Roofing in Massillon, testified in support of the measure on behalf of the Ohio Roofing Contractors Association.

"HB164 will add a commercial roofing license section to the existing specialty contractors licensing structure within the Ohio Construction Industry Licensing Board," he said. "We at ORCA are confident that this well-tested, contractor-driven system will work well for the licensing of commercial roofing contractors. ORCA members know exactly what we are getting into since the OCILB has been operating effectively for almost twenty years."

"By ensuring that all subcontractors working on a project are licensed appropriately, all of Ohio's public and private building owners and the contractors performing work on their projects benefit by having this mechanism to create a level playing field across this critical part of our economy," he added. "The true economic benefit of construction spending is not realized when employment fraud is allowed to continue unchecked in the system."

Mr. Horner said licensing is especially important given roofing work has become increasingly technical.

"ORCA Members believe that licensing and continuing education will make Ohio's public spaces safer and more efficient," he said. "This bill provides an adequate system of grandfathering, good oversight through a section board that is required to have both union and non-union contractors equally represented, and is a financially reasonable licensing requirement at only \$60 per year with fair liability insurance requirements for contractors of all sizes at \$500,000."

Marvin Cochran, business manager of Roofers Local 86 and president with the Mid-States Roofing Conference, submitted a written statement in support of the bill.

HB 385

WAGE INFORMATION (West, T.) To prohibit a state agency from preventing an employee from discussing the employee's own wages or another employee's wages, to prohibit a state agency from seeking a prospective employee's wage or salary history, to prohibit retaliation against an employee who discusses wages or opposes a prohibited act or practice, and to create the Wage Disparity Study Committee. **(CONTINUED; 1st Hearing-Sponsor)**

Sponsor **Rep. Thomas West** (D-Canton) said his bill would "increase wage transparency for state employees, reduce the wage gap without placing excessive regulations on agencies, and allow us to study the wage gap in Ohio in a way that will allow us to make educated decisions about the issue in the future."

Rep. West called the wage gap "a problem that plagues our entire economy" because it "reduces income for families and makes it harder for working Ohioans to get by."

"We hear a lot of discussion about the role that the government should play in reducing this gap. However, the government itself is one of the worst culprits, despite the ability of the public to view its employees' salaries," he said.

The sponsor cited studies indicating the gap his gap increases as women and minorities earn promotions and pay increases, a problem that stems from the practices of asking potential employees about salary history during interviews and prohibiting employees from discussing wages with each other.

"This legislation would adopt the dominant wage theory by prohibiting Ohio state agencies from inquiring about a candidate's salary history and further prohibiting these agencies from punishing employees who discuss wages with each other," Rep. West said. The bill also entails a five-year study commission to measure the effects of the policy change.

"At the end of this period, the study committee will issue a report on the impact of the policy," he said.

"Ohio can become a national leader on this issue by adopting well-documented and proven measures that close the wage gap among government employees," the sponsor concluded. "This legislation is far less intrusive than some other proposals to reduce the wage gap. In my discussions with business organizations and owners, none have planned to oppose this bill because it applies only to state agencies and allows us to properly study the issue."

HB 392

APIARY DAMAGES (Stein, D.) To grant specified apiary owners immunity in personal injury or property damage cases. **(CONTINUED; 2nd Hearing-Proponent)**

Michele Colopy, Terry Lieberman-Smith and Peggy Garnes spoke in support of the measure on behalf of the Ohio State Beekeepers Association, saying there are 2,034 registered beekeepers in the state and stressing the importance of pollination on agriculture.

"Eleven of Ohio's eighteen biggest cash crops rely on insect pollination to produce that crop: cucumbers, pumpkins, peppers, peaches, cabbage, strawberries, squash, apples, tomatoes, alfalfa/clover hay, and maple syrup reap more than \$600 million in pollination services by honey bees and native pollinators," the group said in prepared testimony.

They said the bill would serve to protect the industry, which operates on thin profit margins, from undue lawsuits.

"The Ohio State Beekeepers Association seeks to provide quality beekeeping education, and to protect the long history of beekeeping in Ohio. Per our mission we are here seeking your support of HB392 to protect individual beekeepers from legal actions due to unknown stinging insects," the supporters stated. "HB392 would not apply to intentional tortious conduct or acts of omission due to gross negligence on the part of the beekeeper. HB392 will provide comfort and security to the 4-H student beekeeper and their parents, your beekeeper neighbor, and help to enforce local ordinances tied to responsible beekeeping practices."

Responding to a question from Rep. Michele Lepore-Hagan (D-Youngstown), Ms. Colopy said without legal protections there will be less people registering their hives with the state and fewer people educated on best practices for beekeeping.

Rep. Tom Brinkman (R-Cincinnati) asked about the impact of local ordinances. The witnesses said several cities ban the practice, but the association has worked with zoning officials in some jurisdictions to allow for beekeepers with certain restrictions.

Ms. Colopy told Rep. Michael Sheehy (D-Oregon) that while no one has been successfully sued over bee stings, a Steubenville beekeeper racked up \$10,000 in legal costs over two years fighting such a lawsuit. That's a "lot of honey," Rep. Sheehy remarked.

The witnesses said there was one other instance they know of involving a lawsuit but that was also unsuccessful.

The witnesses told Rep. Steven Arndt (R-Port Clinton) that many farmers use out-of-state beekeepers for pollination and the hives are removed after their work is done. The state currently has only one apiary inspector and the association fills in the gaps locally in terms of education and oversight, they said.

Wyatt Bates, representing the Ohio Farm Bureau, also stressed the importance of bees in the production of crops and said in proponent testimony that the measure would help protect an industry that has seen significant setbacks in recent years.

"We are losing honey bee colonies every year for a number of reasons. While the managed colony population has steadily decreased over the past 50 years the need for agricultural pollination is ever increasing. The number of feral honey bee colonies has also declined dramatically," he said.

"Without the assistance of modern beekeeping principles and practices, the number of feral colonies cannot provide the pollination services necessary for modern agriculture's needs. Apiarists are working with our farming community neighbors to determine ways to increase habitat and decrease risk from pesticide drift. We are also working with the scientific researchers to identify how to effectively treat honey bee diseases and pests, and we are working with our legislators to provide a legal environment that encourages more people in Ohio to take an interest in beekeeping without fear of reprisal."

Larry Theurer Jr., president of the Greater Cleveland Beekeepers Association, also submitted a supportive statement.

Federalism & Interstate Relations

HR 193 **CONGRESSIONAL MEDAL** (Antonio, N., Strahorn, F.) A resolution urging Congress to award a Congressional Gold Medal to the late Senator John Glenn and Mrs. Annie Glenn. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)

State & Local Government

- HB 323** **GARBAGE FEES** (Patterson, J.) To authorize all municipal corporations that charge a garbage collection fee to certify unpaid amounts to the county auditor, who must enter the fees on the property tax list to be collected in the same manner as real property taxes. (**REPORTED (No testimony)**; 3rd Hearing-All testimony-Possible vote)
- HB 359** **STATE FLAG** (Stein, D.) To create a suggested ceremonial procedure for retiring an Ohio state flag. (**CONTINUED (No testimony)**; 2nd Hearing-All testimony)
- HB 370** **STATE SEAL** (Perales, R.) To add a representation of the Wright Brothers' first piloted airplane to the Coat of Arms and Great Seal of the State of Ohio. (**CONTINUED**; 2nd Hearing-All testimony)

Amanda Wright Lane shared the story of her grandfather, Milton Wright, giving a speech about his uncles and favorite babysitters, Orville and Wilbur Wright, at the presentation of the Wright Brothers' 1903 Flyer to the Smithsonian Institution.

"In the history of man, we have gone from fire to wheels to wings, and those wings were imagined, designed, built, and tested in our great State," she said.

The grain and glowing sun currently pictured in the seal could illustrate any state, Ms. Lane said. The Wright Flyer should be added to the state seal to set Ohioans apart for leading the nation to the new frontier in the skies.

"There have been many bicycle makers throughout history, many uncles that acted as babysitters too, but only two of them invented the airplane and changed the world, here in Ohio," she told the committee.

Timothy Gaffney, director of communications for the National Aviation Heritage Alliance, said the Wright Flyer is the "best brand image Ohio could ask for."

The 1903 Wright Flyer is held in the National Air and Space Museum and is recognized around the world, he said. Too often, the Wright Flyer is associated with North Carolina.

The bill is an opportunity to rebrand Ohio as the place where the Wright Brothers' invented the airplane and opened the first airplane factory, Mr. Gaffney said. Adding a small Wright Flyer to the state seal would illustrate how Ohio continues to provide the world with a robust aerospace industry.

Rep. Rick Perales (R-Beavercreek) asked the witness if there was anything negative about the potential change. Mr. Gaffney said he had heard some criticism that the addition of the flyer would add a man-made object to the seal. He said that criticism isn't valid given that the seal already displays man-made arrows.

William Burnett of Dayton, who has worked to develop a rendering of the proposed seal, briefly testified in support. He said he has spent countless hours on the project over many years.

- HB 415** **ROAD IMPROVEMENTS** (Greenspan, D., Ryan, S.) To allocate one-half of any surplus revenue to a new Local Government Road Improvement Fund, from which money will be distributed directly to local governments to fund road improvements. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Dave Greenspan (R-Westlake) said the bill looks to offer economic support to local governments for road improvements by dedicating half of state surplus funds into a new Local Government Road Improvement Fund.

"We all know, as either serving in a local government capacity or more simply by listening to our local partners - that they all have road issues - repairs, maintenance and improving valuable infrastructure needs," Mr. Greenspan said.

Money from the funds would help support road improvements and repairs, and would be calculated according to a formula involving lane miles and the number participating local governments.

The sponsors said the bill also helps provide local government funding stability by prohibiting a General Assembly from reducing funds allocated to a local government fund to less than 1.66% of the state general revenue fund.

"This is critical, that we provide the basic 'floor' funding to our local partners - it is my hope and desire that we exceed this minimum, but at least we set the framework for financial stability," Mr. Greenspan added.

Responding to questions, Mr. Greenspan said he and co-sponsor Rep. Scott Ryan (R-Newark) hope to add an amendment requiring the collection of information on lane miles.

Rep. Ryan said the bill highlights the partnership between the state and local governments. "I like the concept that we're in this together," he said, adding that many are tired of the "push and pull" between different levels of government.

He said having local governments with a stake in overall state spending will help make the state more efficient.

Chair Rep. Marlene Anielski (R-Walton Hills) asked if the lawmakers consider allowing the funds to be used for general infrastructure needs.

Mr. Greenspan said there were discussions on a larger scope, but said roads became a focus because it would ensure all localities receive some of the revenue.

Added Rep. Ryan: "The roads seem to be the most glaring place that we can begin," he said.

The chair also asked whether the proposal could result in other groups seeking an earmark from excess state funds. Rep. Ryan said that is a possibility, and that the legislature would be able to consider those proposals as they come.

Rep. Greenspan told Rep. Janine Boyd (D-Cleveland Hts.) that the bill is targeted toward roads, but said allocations resulting from the proposal could free up local funds to be used for non-road projects.

Mr. Greenspan also added that localities could bank allocations from the fund for larger projects, or use the money as matching funds.

Rep. Steven Arndt (R-Port Clinton) suggested there may be some areas - including his district that has a population that swells in the summer - that could benefit from an allocation of funds based on traffic volume, rather than road miles.

Mr. Greenspan told Rep. Glenn Holmes (D-McDonald) that the funds allocated through the program would be directed to the local government that is responsible for the maintenance of each road.

Rep. Ryan added that the proposal is intended to generate extra money for locals. "To me, this is supposed to be add-on funding; not supplanting other state funding," he said.

SB 144 **DISABILITIES COUNCIL (Burke, D.)** To abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities and to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council. (**REPORTED-AMENDED**; 3rd Hearing-All testimony-Possible amendments & vote)

Rep. Steve Hambley (R-Brunswick) won support amendments that update organizational names in regard to osteopathic medicine and adjust the staggering of terms for firefighter members serving on the Ohio Police & Fire Pension Fund board.

Three witnesses commented on the bill in written testimony. Michael Kirkman, executive director of Disability Rights Ohio, was an interested party.

He said the establishment of a state rehabilitation council will bring the state into compliance with federal law - an important step in allowing disabled Ohioans to impact policies and services that affect them.

He said Ohio would be one of the final states to establish an SRC, and said the state's existing system, which involves the Opportunities for Ohioans with Disabilities and a consumer advisory committee, doesn't have strong regulatory structures. The proposed 15-member council, he said, corrects the current structural issues.

Mr. Kirkman said his organization, however, has concerns regarding the client assistance program, compensation and the council's name.

He said language requiring a full-time employee for a client assistance program does not comply with federal law. Instead, he urged the panel to drop the full-time language, which would address the concern.

Mr. Kirkman also noted that the bill does not provide compensation for members of the SRC, which could create issues in terms of getting members to serve. "With the commission structured as being represented by a majority of people with disabilities, the lack of compensation could result in a loss of wages and paying out-of-pocket for personal care expenses related to service on the Council, making service on the SRC inaccessible for potential candidates," he said.

He also called on the panel to change the name of the council from what has been proposed, saying that federal law specifies that it is an advisor to OOD. "The name as provided by the current language would make Ohio one of the only states to use a title naming the VR agency in the name," he said.

Julie Keil of Capital Success said in interested party testimony that the abolishment of OOD would conflict with federal mandates, which could put more than \$400 million in biennial federal funds at risk.

John Moore, CEO and executive director of Deaf Services Center, submitted a letter in support of creating the council. "The OOD Council would streamline the roles of the current entities that represent individuals with disabilities in Ohio, while expanding the opportunities for broader representation from multiple disability disciplines," he wrote.

Criminal Justice

HB 296 **DRUG OFFENSES** (Gavarone, T.) To enhance penalties for certain drug offenses committed in the vicinity of a community addiction services provider. (**CONTINUED** (See separate story); 2nd Hearing-Proponent)

HB 405 **COUNTERFEITING** (Perales, R.) To create the offense of counterfeiting and to include counterfeiting within the definition of "corrupt activity" under the Corrupt Activities Law. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsoring Rep. Rick Perales (R-Beavercreek) said attacking counterfeit money is one way to fight the opioid epidemic.

"The secret service observed that Ohio was one of ten states that did not have statutes that specifically addressed counterfeiting," he said. "The U.S. Secret Service has seen a significant increase in counterfeit crimes directly linked to narcotics cases in Ohio."

Rep. Perales said one estimate found that 85% of counterfeiting investigations are tied to illegal drug activity.

"This bill will address the previously untapped prevention aspect of counterfeiting," he said. "That is why I am calling on the legislature to open up this new offensive in the War on Drugs. This legislation will hit the illicit trade where it hurts the most, while keeping counterfeit funds out of Ohio's economy."

HB 409 **VETERAN TREATMENT** (Butler, J., Perales, R.) To permit courts to create veterans treatment courts and to allow courts to divert certain criminal defendants to participate in veterans treatment court. (**CONTINUED**; 1st Hearing-Sponsor)

The legislation will help veterans transition back into society, Rep. Perales said during sponsor testimony.

"These folks need a system that is going to consider their situation and help get them back on their feet. With this legislation, local governments will have access to courts that specifically and properly address veterans and their offenses, while recognizing and assisting them with their unique circumstances. It's time to let local governments have the ability to do this for our veterans," he said.

Fellow sponsoring Rep. Jim Butler (R-Oakwood) said that specialized dockets for veterans have a proven track record of success.

"Veterans treatment courts currently operate in several counties around Ohio, and they do tremendously useful work to assist veterans in getting desperately needed treatment while still imposing stringent guidelines as punishment for their criminal transgressions," he said. "However, many rural and sparsely populated counties currently lack the capacity to run such programs independently."

Under the measure small counties would be able to partner with larger counties to provide diversion programs to veterans.

"Veterans treatment court programs are voluntary, and they have many strict parameters. Veterans who find themselves in these types of situations are sometimes suffering from serious mental or physical health problems stemming from their sacrificial service," Rep. Butler said. "I think we owe it to these men and women to help them however we can, and this bill takes another simple but important step in that direction."

HB 426 **SEXUAL CONDUCT (Hagan, C.)** To prohibit an employee of a school or institution of higher education who is not in a position of authority from engaging in sexual conduct with certain students. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsoring Rep. Christina Hagan (R-Alliance) said the bill will close a current loophole in state law.

"It may surprise some of you to learn that in the state of Ohio, you cannot send pornographic images of yourself to a student as a non-authority employee of our school systems, but a person in that position may currently engage in sexual activity with students above 16 without legal repercussions," she said.

Rep. Hagan pointed to a case in Stark County in which a cafeteria worker was found to be having sexual contact with several students but could only be charged with sending nude photos of herself.

"My hope is that by passing this bill into law we will deter behaviors of sexual engagement with students from occurring in the future. Students have enough complexities during their developmental years and the last thing they need is a peculiar encounter that could potentially devastate them or leave them in disarray during their educational experience in Ohio," she said.

Subscriber's Note: For full written testimony, see the committee's website under Dec. 5.

Energy & Natural Resources

HB 225 **OIL GAS WELLS (Thompson, A.)** To allow a landowner to report an idle and orphaned well or abandoned well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well. (**CONTINUED-AMENDED (See separate story)**; 4th Hearing-All testimony-Possible amendments & vote)

HB 422 **WATER SEWER ACQUISITIONS (Ginter, T., Rogers, J.)** To govern acquisitions of municipal water-works and sewage disposal system companies by certain larger nonmunicipal water-works or sewage disposal system companies. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. John Rogers (D-Mentor-on-the-Lake) said in sponsor testimony that Ohio has an estimated \$26 billion in water and wastewater infrastructure project needs over the next 20 years.

"Those figures and that need should be of concern to all of us," he said.

To address those needs, the legislation would allow for a regulated public utility to fund infrastructure replacements and improvements.

"The long-term intent is to provide a more sustainable service with reliable plant operations, while protecting our water supplies for consumers," Rep. Rogers said.

Fellow sponsoring Rep. Tim Ginter (R-Salem) said the measure is an "out of the box" approach.

"I also want to be very clear; the 'out of the box' thinking envisioned in this bill is completely voluntary. These projects will only occur with a willing municipality and regulated utility," he said.

Rep. Ginter said similar legislation has been implemented in six states.

"I would say this legislation is a natural outgrowth of the priorities outlined in the Buckeye Pathway," he said. "This bill will lead to a large investment in, and modernization of, water and wastewater infrastructure which will strengthen our communities across Ohio."

HCR 16 **OIL MARKETS (Thompson, A.)** To urge the Congress of the United States and the President of the United States to take certain actions to counter manipulation of the oil market by the Organization of Petroleum Exporting Countries (OPEC). (**CONTINUED**; 1st Hearing-All testimony-Possible vote)

Sponsor **Rep. Andy Thompson** (R-Marietta) said the Organization of Petroleum Exporting Countries "has deliberately and routinely influenced the price of oil by manipulating global supply."

As a result of market manipulation, Rep. Thompson said, Ohio jobs in the oil and gas sector fell by 24.5% between 2014 and 2015.

"With the passage of this resolution, we will take a stand for reducing our dependency of foreign resources from countries that wish ill upon the United States, but also put Ohio on the forefront of leading the way for other states to follow suit in our endeavors to ensure our energy independence," he said.

In written testimony, Rebecca Clutter of the National Association of Royalty Owners Appalachia said OPEC market manipulation has harmed the economy of southeast Ohio.

"It has been well-expressed that the Appalachian Basin is set to create a manufacturing renaissance. As mineral owners, it is our great honor to be a part of this story. Without access to our privately held minerals, none of this would even be possible," she said. "We celebrate the fact that our private assets are contributing to jobs creation and economic stability in the communities and states where our assets are held. However, the pricing of our oil assets are at the whim of OPEC."

Subscriber's Note: For full written testimony, see the [committee's website](#) under Dec. 5.

Education & Career Readiness

HB 176 **SCHOOL TESTING (Thompson, A.)** With to regard to state achievement assessments, statewide academic content standards and model curricula, and teacher and administrator evaluations. (**CONTINUED-AMENDED (No testimony)**; 4th Hearing-Interested party-Possible amendments)

The committee accepted an amendment proposed by the bill's sponsor that specifies state exams must be the Iowa Test of Basic Skills.

The amendment also: eliminates the requirement that the third-grade reading test that determines retention be administered in the fall; requires schools to detail any data applications they're using and any grants they've applied for or are thinking of applying for; and prohibits the state from requiring schools to administer state tests on computers.

The bill's sponsor, Rep. Andy Thompson (R-Marietta), told Rep. Michael Henne (R-Clayton) that the Iowa test is norm-referenced and therefore requires broad knowledge of subjects.

"It was selected because it was a way for us to kind of get away from the teaching to the test," he said.

Rep. Catherine Ingram (D-Cincinnati) asked what the purpose is of requiring schools to make public the type of grants they're seeking.

Some grants require schools to collect certain student data and it's important parents are aware of that, Rep. Thompson said.

Rep. Ryan Smith (R-Bidwell) and Rep. John Patterson (D-Jefferson) expressed concern that the requirement to post information about data applications and grants would place a burden on school districts.

"That's not local control, that's a mandate from the state on exactly what we have to post," Rep. Smith said in response to Rep. Thompson's claim that the intent of the amendments and the original bill is to reduce school regulations.

Rep. Smith joined Democrats in voting against the amendments.

HB 338 **SCHOOL BUS DRIVERS** (Ginter, T.) Regarding medical examinations for school bus drivers. (REPORTED (No testimony); 4th Hearing-All testimony-Possible vote)

Presentation: Superintendent of Public Instruction Paolo DeMaria and Brian Roget, associate director of the Department of Education's Office of Curriculum and Assessment detailed the proposed math and English language arts model curricula. (Presentation)

Public Utilities

HB 247 **UTILITY LAW** (Romanchuk, M.) To require refunds to utility customers who have been improperly charged, to eliminate electric security plans and require all electric standard service offers to be delivered through market-rate offers, and to strengthen corporate separation requirements. (CONTINUED; 3rd Hearing-Proponent-Invited testimony only)

Proponents continued pushing members Tuesday to embrace a bill from Rep. Mark Romanchuk (R-Mansfield) that would ban utilities from using electric security plans and permit the refunding of dollars charged consumers under rates the Ohio Supreme Court later finds unlawful.

The bill's third hearing was essentially a repeat of the bill's second, with six environmental and consumer groups arguing the legislation would lower costs for customers big and small. (See Gongwer Ohio Report, November 28, 2017)

"HB247 would help control energy costs through the full implementation of a competitive market, allow consumers to benefit from competitions and help keep agriculture viable in Ohio," said Jenna Beadle, director of state policy for the Ohio Farm Bureau.

Opponents haven't yet weighed in on the bill before the committee - opponent and interested party testimony is scheduled for next week - but utilities are opposing it. They argue the current ratemaking process would be fine

if it weren't for typically sluggish action by the Supreme Court and stakeholders' proclivity to litigation. (See [Gongwer Ohio Report, October 5, 2017](#))

Dean Ellis, an executive vice president of Dynegy, said the legislation would "properly rebalance the interests of utilities, market participants and consumers." Responding to Rep. Romanchuk, Mr. Ellis said he's not aware of any other states that do not refund improperly charged dollars.

Leigh Herington, speaking for the Northeast Ohio Public Energy Council, said the bill will fulfill the intent of a previous deregulation bill (SB3, 123rd General Assembly) and limit above market charges resulting from ESPs.

"The Ohio Consumers' Counsel's office has estimated that these PUCO-approved above market charges have cost Ohio consumers more than \$14 billion since 2000," he said. "The utility reforms that are included in H.B. 247 are needed, and NOPEC supports this bill."

Calling upon his experience as a former lawmaker, Mr. Herington agreed with the sponsor that ESPs haven't played out to consumers' benefit as legislators had intended when SB3 passed.

A representative of Energy Professionals of Ohio also testified and written proponent testimony was submitted jointly by the Environmental Defense Fund and the Nature Conservancy.

FERC Presentation: The committee also heard from Pat Wood, chairman of Dynegy's board who previously led both the Federal Energy Regulatory Commission and the Public Utilities Commission of Texas.

Mr. Wood is one of several experts invited to brief the panel on their subject area and he took time to applaud Rep. Romanchuk's bill.

Addressing the panel, Mr. Wood described the role of FERC and touched on Texas' approach to competitive generation, adding that Ohio has many of the same ingredients as the Lonestar State for success on the energy front.

Other steps Ohio lawmakers might consider to create a more successful market, he said, include: completely separating regulated wires business from competitive businesses, unbundling wires rates and modernizing wires tariffs, and embarking on a customer education campaign.

The panel also questioned him on FERC's pending case to grant new support to nuclear and coal plants - a proposal Mr. Wood has previously said "fundamentally distorts power markets." (See [Gongwer Ohio Report, November 20, 2017](#))

"It's just a fundamental question of how do we pick the winners and the losers," Mr. Wood replied. "Tipping the scale and defining resiliency in such a narrow way as the secretary (of energy) did would distort markets."


Subscribers Note: For full testimony see the [committee's website](#) under Dec. 5.

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Click the  after a bill number to create a saved search and email alert for that bill.

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Sarah LaTourette Kayser <latoursm@gmail.com>

Welcome to States and Nation Policy Summit 2017

1 message

American Legislative Exchange Council <ahackbarth@alec.org>
To: latoursm@gmail.com

Tue, Dec 5, 2017 at 8:30 PM

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Welcome to the States and Nation Policy Summit

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Look Ahead - December 5, 2017



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Welcome to SNPS 2017

Tomorrow begins the ALEC States and Nation Policy Summit in Nashville. We have an exciting line-up of speakers, workshops and exhibits that will help you to become more informed legislators and policymakers. This also kicks off our 45th year as a home for conservative policy ideals and the people that advance them.

[View Agenda](#)

Look Ahead

Inaugural ALEC Rural Caucus Meeting

8:00 AM -- Music Row 2

ALEC Newcomers

10:00 AM -- Music Row 5

The ALEC Rural Caucus was created to give legislators from these If you are a first-time attendee, welcome to the ALEC family. There
https://mail.google.com/mail/u/0/?ui=2&ik=633a3672ae&jsver=FNQ3PNISPMI.en.&cbl=gmail_fe_180717.14_p6&view=pt&q=%22alec%22%20%22american%20

regions a forum where they can meet, share and create innovative policy solutions for the rural constituencies they serve. The exciting inaugural meeting will discuss common issues and chart a future course of action.

is no better way to meet fellow newcomers like you than by attending the **New Member Orientation**.

[View Map](#)

ALEC CARE: Your Data at Your Fingertips

Music Row 3 -- Every Half Hour

Get to know your district with the groundbreaking tool ALEC CARE. **It's available to every ALEC Legislator free of charge.** This is a powerful tool that helps make your data work for you. **Attend this rolling, 30-minute demonstration at the top or bottom of each hour to learn how it works.**

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Check Out ACCE

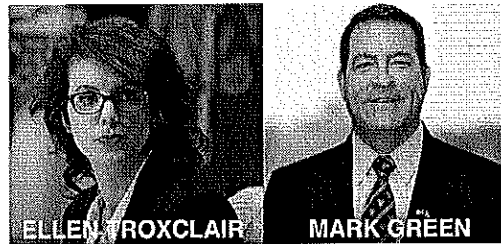
3:00 PM -- Legends C

The American City County Exchange (ACCE) is dedicated to promoting the ideals of limited government, free markets and federalism to local and county-level elected officials. ACCE will be hosting meetings and workshops alongside ALEC, including a workshop on **Opioid Addiction and Civil Asset Forfeiture Reform**.

[About ACCE](#)

Opening Lunch - 11:30 AM

The Wednesday Plenary Lunch will feature both ALEC and ACCE legislators -- **State Senator Dr. Mark Green of Tennessee and Austin City Councilwoman Ellen Troxclair.**



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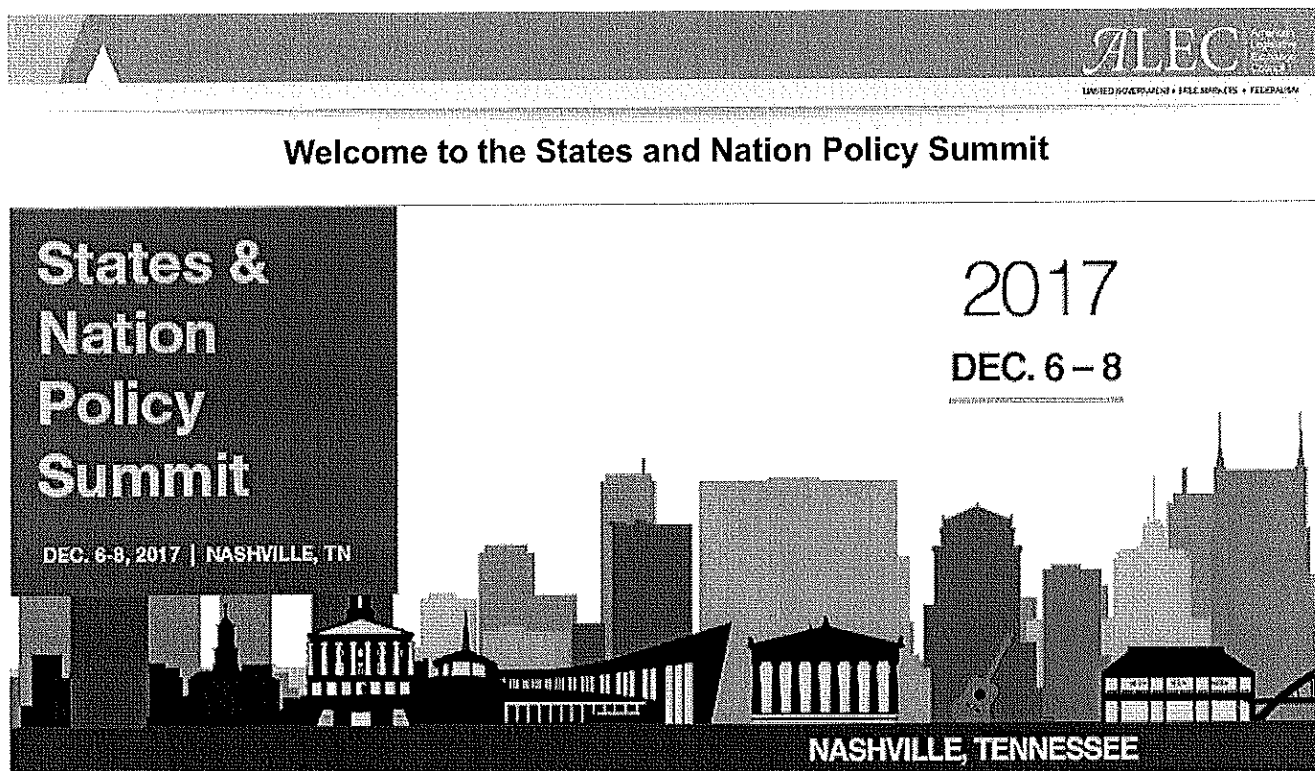
What's Happening Today at SNPS

1 message

American Legislative Exchange Council <ahackbarth@alec.org>

To: latoursm@gmail.com

Wed, Dec 6, 2017 at 8:41 AM

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Look Ahead - December 6, 2017



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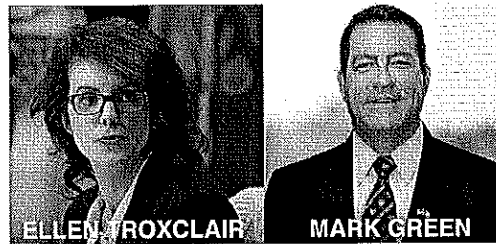
Welcome to the first day of the States and Nation Policy Summit. Before you start your day, **make sure that you stop by the check-in and registration desk and get your badge.** Your badge is your key to attending meeting events and meals. Registration is ongoing all day and is on the second floor at the top of the escalator bank.

[View Agenda](#)
[View Conference Map](#)

Today's Plenary Lunch

11:30 AM -- Broadway Ballroom

The Wednesday Plenary Lunch will feature both ALEC and ACCE legislators -- **State Senator Dr. Mark Green of Tennessee** and **Austin City Councilwoman Ellen Troxclair**.



What's Happening Today

Task Force Subcommittees

Morning Sessions -- Refer to Agenda

This morning many of the ALEC Subcommittees will be meeting to hear from experts in their respective fields, and to educate their members on strategies and practices that are being employed all across the country. Consult the agenda to find the time and location of your meeting.

[Find Your Session](#)

Learn From Our Exhibitors

All Day -- Exhibition Hall

The Exhibit Hall is playing host to a number of hardworking organizations eager to share their knowledge with you. Come learn about data, design and much more from our dedicated exhibitors, and stop by the ALEC table to learn about our latest initiatives.

Inaugural ALEC Rural Caucus Meeting

8:00 AM -- Music Row 2

The ALEC Rural Caucus was created to give legislators from these regions a forum where they can meet, share and create innovative policy solutions for the rural constituencies they serve. The exciting inaugural meeting will discuss common issues and chart a future course of action.

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[View Map](#)

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Sarah LaTourette Kayser <latoursm@gmail.com>

ALEC HHS Task Force Coalition Letter Supporting Online Vision Tests

1 message

Paul Blair <pblair@atr.org>
To: Paul Blair <pblair@atr.org>

Wed, Dec 6, 2017 at 4:34 PM

Good Afternoon,

Attached and included in this email you will find a coalition letter signed by center-right organizations in support of online vision tests. This free market innovation will not only save taxpayers millions of dollars but it will make prescription renewal more affordable and accessible.

For those of you who will be attending the ALEC HHS Task Force Meeting this week in Nashville, this letter will be relevant to a discussion taking place at 3:00PM tomorrow, during the meeting.

Don't hesitate to reach out if you have any questions about our support for this important issue. Below is a copy of the letter:

Dear ALEC HHS Task Force Members,

We, the undersigned organizations, dedicated to limited government and free markets, **write to express our support for online vision tests.** This innovation in ocular healthcare gives the tens of millions of Americans who wear corrective lenses **the opportunity to save time and money by choosing to renew their prescriptions online, and has the potential to save taxpayers millions.**

Online vision tests are the most modern eye refraction test available. Before them, the most current eye refractor, which is still used today in the doctor's office, was developed in the 1960's.

People interested in using the new online technology begin by answering questions that determine whether it is appropriate for them. Those who qualify are then walked through a series of simple vision tests on their computers, using their cell phones as remote controls. **When finished, the results are sent for review to an ophthalmologist – a medical doctor – licensed to practice in the state where the test was taken.** The Ophthalmologist then generates a prescription for corrective eyewear, typically within 24 hours. All of this prevents a trip to the optometrist's office and the cost associated with that trip.

Online vision tests are not intended to replace comprehensive in-person eye exams, which the American Academy of Ophthalmology – the world's largest association of eye physicians and surgeons – recommends most adults undergo every two years. **Online vision tests can be used in**

between the comprehensive exams to allow patients to renew their prescriptions more conveniently.

Indeed, people can renew their prescriptions without having to take off work or take on the costs, frustration, and time of traveling to an in-person appointment. They also make renewing prescriptions more affordable, typically costing around \$40 while the in-person eye exams cost average of \$165. **These perks are especially helpful for those living in rural areas,** who may not otherwise have the means to have their vision checked and prescription renewed in a timely manner.

Along with the many benefits they provide individuals, online vision tests could also lead to millions in tax savings. Each year, state and federal governments spend millions of dollars on eye care services for their employees and those who receive medical benefits from publicly funded programs. However, these costs could be drastically lower by allowing these plans to utilize telemedicine for prescription renewal. We encourage states to look at online ocular health programs for their own workforce.

Online vision tests are a free market solution to make prescription renewal more affordable and more accessible. They will be particularly beneficial for lower income families, those living in rural areas, and for all people between ages 18 and 50, whose prescriptions change very little and do not need to go into to an office every year to simply to have their prescription renewed. **As such, our organizations support these safe, doctor-approved online vision tests.**

Sincerely,

Grover Norquist

President, Americans for Tax Reform

Akash Chougule

Director of Policy, Americans for Prosperity- HQ

Robert Roper

President, Ethan Allen Institute

Naomi Lopez Bauman

Director of Healthcare Policy, Goldwater Institute

Michael Melendez

Director of Policy, Libertas Institute

Pete Sepp

President, National Taxpayers Union

Daniel Erspamer

CEO, Pelican Institute for Public Policy

Mike Stenhouse

CEO, Rhode Island Center for Freedom and Prosperity

Paul Gessing

President, Rio Grande Foundation

David Williams

President, Taxpayers Protection Alliance

Dr. Roger Stark

Health Care Policy Analyst, Washington Policy Center

--

Paul Blair

Strategic Initiatives Director

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ALEC HHS Letter - Ocular Telemedicine.pdf

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Mike Stenhouse
CEO, Rhode Island Center for Freedom and Prosperity



Paul Gessing
President, Rio Grande Foundation



David Williams
President, Taxpayers Protection Alliance



Dr. Roger Stark
Health Care Policy Analyst, Washington Policy Center



December 6, 2017

To: ALEC Health and Human Services Task Force Members

Re: Support Online Vision Tests

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Online vision tests are a free market solution to make prescription renewal more affordable and more accessible. They will be particularly beneficial for lower income

7/24/2018

Gmail - ALEC HHS Task Force Coalition Letter Supporting Online Vision Tests



Sarah LaTourette Kayser <latoursm@gmail.com>

Your SNPS Wednesday Recap

1 message

American Legislative Exchange Council <ahackbarth@alec.org>

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SNPS Daily Recap- December 6, 2017

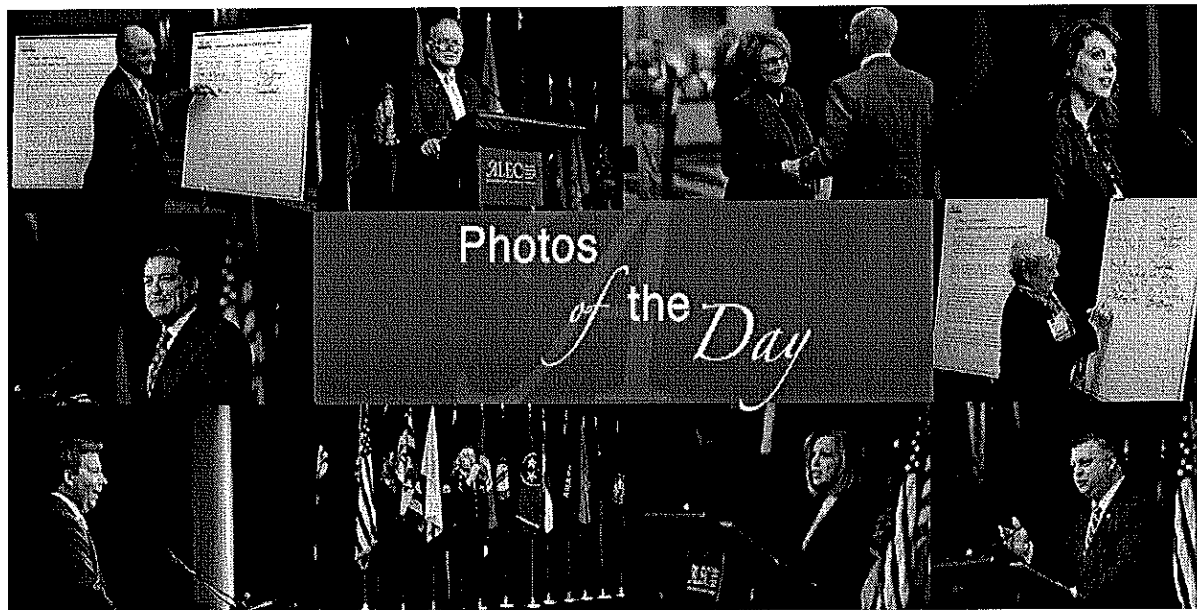


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Opening Plenary Lunch Covers Taxes, Local Issues, and Healthcare

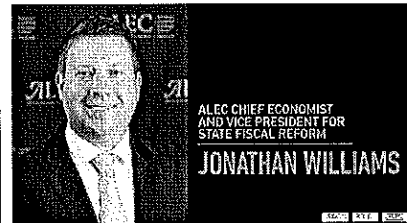
TN State Senator
Mark Green



Austin Councilwoman Ellen
Troxclair



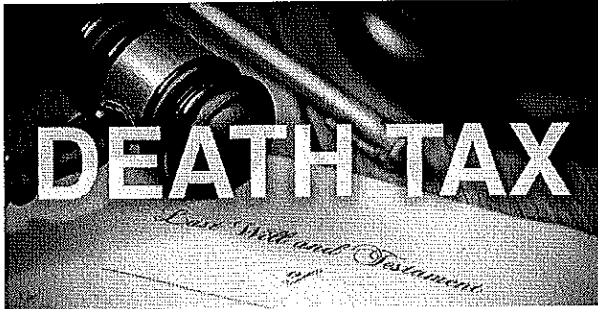
ALEC Chief Economist
Jonathan Williams



[Watch Speech](#)[Watch Speech](#)[Watch Speech](#)

In Case You Missed it

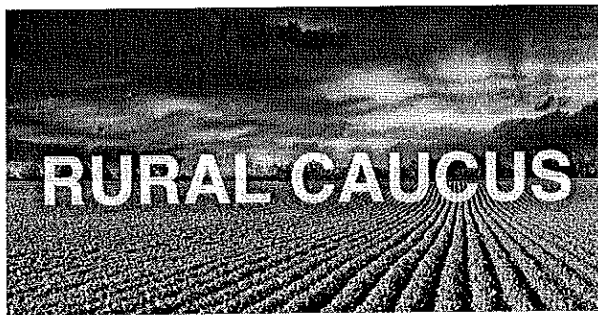
New Hampshire Rep. Calls for the Elimination of the Estate Tax



New Hampshire Representative Ken Weyler weighs in on how eliminating the Estate Tax (otherwise known as the "Death Tax") has benefitted his home state. In addition, Weyler discusses why the elimination is good for Americans everywhere.

[Watch Video](#)

Inaugural Meeting of the ALEC Rural Caucus Gets Underway



The first meeting of the ALEC Rural Caucus was a rousing success. Over 30 members representing rural districts across the country, met to set the direction of the caucus for sessions to come. Led by chairs Rep. Becky Nutt of Arizona and and Rep. Charles "Doc" Anderson of Texas, the Rural Caucus seeks to address the needs of small-town America.

[Watch Video](#)

Standing Room only for ACCE Workshop on the Opioid Crisis



The American City County Exchange (ACCE) Workshop on the Opioid Crisis and Civil Asset Forfeiture reform was full to capacity. Legislators and private sector members alike met and heard about the latest efforts to stem the tide of this major epidemic.

SNPS In 140 Characters

Get the Full Scoop on SNPS Through ALEC Social Media

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**Jason Saine**
@JasonSaine970i

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. @ALEC_states represents something important in our nation: the exchange of ideas.

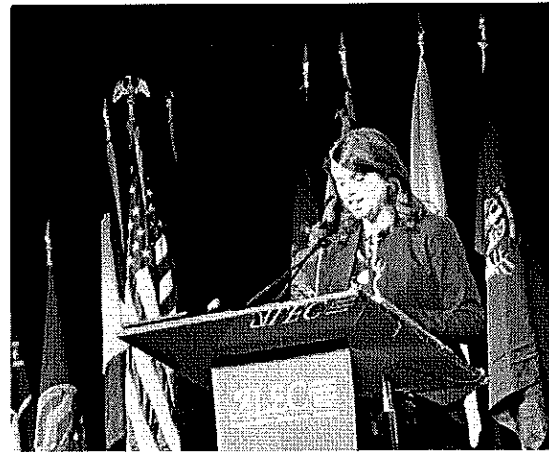


1:58 PM · 6 Dec 2017

**Ron Simmons**
@RonSimmonsTexas

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Great talk by @EllenTroxclair at @ALEC_states conference on local government. We need more Ellen's at the local level! #txlege

**Charles Tassell**
@CharlesTassell

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Very interesting panel! RT @ALEC_states: .@accexchange opioid addiction and civil asset forfeiture top of mind for local electeds at policy summit. #ALECIdeas #ALECinTN

4:33 PM · 6 Dec 2017

3 Retweets

**Alan Clemmons**
@RepAlanClemmons

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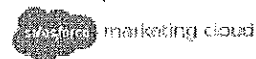
Spending my birthday at @ALEC in Nashville enjoying policy discussion and debate. Currently participating in a thought provoking presentation by equaljusticecoalition.net on repeal of the 17th Amendment to the US Constitution, popular election of US Senators. #ALECinTN #ALECIdeas

Tomorrow's Agenda

WEDNESDAY, DECEMBER 6			ROOM	FL	TRACK
7:00 AM - 8:00 AM	State Chairs Breakfast Meeting		Music Row 5	2	
7:00 AM - 8:00 AM	Registration and Welcome Call		Music Row 5	2	
8:00 AM - 8:45 AM	E-Commerce and Taxation Joint Working Group		Legends Ballroom D	2	
8:00 AM - 8:50 AM	Labor and Business Regulation Subcommittee		Legends Ballroom E	2	
8:00 AM - 11:00 AM	Federalism and International Relations Subcommittees		Music Row 4	2	
8:00 AM - 11:00 AM	Energy, Environment and Agriculture Subcommittee		Legends Ballroom A - B	2	
8:00 AM - 5:00 PM	Legislative Staff Fellowship <i>(by invitation only)</i>		Cumberland 1 - 2	3	
8:55 AM - 9:40 AM	Fiscal Policy Reform Working Group		Legends Ballroom D	2	
9:00 AM - 9:50 AM	Broadband, Innovation & Information Technology Subcommittee Joint with Transportation Subcommittee		Legends Ballroom E	2	
9:00 AM - 10:00 AM	New State Chairs Training		Music Row 5	2	
9:00 AM - 11:00 AM	Rural Caucus Meeting		Music Row 2	2	
9:00 AM - 3:00 PM	Exhibit Hall		Prefunction	2	
9:00 AM - 3:00 PM	CARE Training		Music Row 3	2	
9:30 AM - 10:00 AM	Higher Education Subcommittee		Legends Ballroom G	2	
9:45 AM - 10:40 AM	Pension Reform Working Group		Legends Ballroom D	2	
10:00 AM - 10:35 AM	K-12 Subcommittee		Legends Ballroom G	2	
10:00 AM - 10:50 AM	Financial Services Subcommittee		Legends Ballroom E	2	
10:00 AM - 10:50 AM	Consumer Protection, Critical Infrastructure and Security Technologies Subcommittee		Legends Ballroom F	2	
10:00 AM - 11:00 AM	American City County Exchange: ACCE Summit Orientation		Legends Ballroom C	2	ACCE
10:00 AM - 11:00 AM	First Time Attendee and New Member Orientation		Music Row 5	2	
10:45 AM - 11:30 AM	Education and Tax Joint Working Group		Legends Ballroom D	2	
11:30 AM - 1:30 PM	Opening Lunch		Broadway Ballroom	2	
1:30 PM - 4:00 PM	Hospitality Suite: FreedomWorks		Music Row 1	2	
1:30 PM - 4:00 PM	Hospitality Suite: Family Research Council		Music Row 2	2	
1:45 PM - 3:00 PM	Workshop: Your Name on a Government List: Disclosure Demands that Threaten Donor Privacy		Broadway Ballroom G - H	2	
1:45 PM - 3:00 PM	Workshop: Don't Wait for Congress to Fix Health Care		Broadway Ballroom J - K	2	
2:00 PM - 2:45 PM	American City County Exchange: Local Regulations and Land Use		Legends Ballroom C	2	ACCE
2:00 PM - 3:00 PM	Task Force Chairs Meeting		Music Row 4	2	
2:30 PM - 3:30 PM	Media Training <i>*Must Attend Media Training In Order To Attend On-Camera Training</i>		Music Row 5	2	
3:00 PM - 4:00 PM	American City County Exchange: Civil Asset Forfeiture and Opioid Addiction		Legends Ballroom C	2	ACCE
3:15 PM - 4:30 PM	Workshop: Partnering for a Conservative Future		Broadway Ballroom G - H	2	
3:15 PM - 4:30 PM	Workshop: Understanding How Big Data is Being Disguised as Criminal Justice Reform		Broadway Ballroom J - K	2	
4:30 PM - 5:30 PM	Chair's Reception, Honoring Representative Jason Saine, NC <i>(Members Only)</i>		Prefunction	2	
5:30 PM - 7:00 PM	Tennessee Welcome Reception		Broadway Ballroom F	2	

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Sarah LaTourette Kayser <latoursm@gmail.com>

What's Happening Today at SNPS

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Thursday's Agenda

States & Nation Policy Summit

DEC. 6-8, 2017 | NASHVILLE, TN

2017

DEC. 6 – 8

NASHVILLE, TENNESSEE

Look Ahead - December 7, 2017



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Conference Hashtag: **#ALECideas**



If you are just arriving, **make sure that you stop by the check-in and registration desk and get your badge.** Your badge is your key to attending meeting events and meals. Registration is ongoing all day and is on the second floor at the top of the escalator bank.

[View Agenda](#)
[View Conference Map](#)

Programming Note: Due to scheduling issues, we will no longer be holding Media Training at SNPS

Today's Plenary Breakfast

8:00AM -- Broadway Ballroom

Former Oklahoma Representative Gary Banz and The Honorable Ken Cuccinelli

Today's Plenary Lunch

12:30 PM -- Broadway Ballroom

Tennessee Governor Bill Haslam and "Conservative Millennial" Allie Stuckey

Other Events

ALEC CARE: Your Data at Your Fingertips

Music Row 3 -- Every Half Hour

Get to know your district with the groundbreaking tool ALEC CARE. It's available to every ALEC Legislator free of charge. This is a powerful tool that helps make your data work for you. Attend this rolling, 30-minute demonstration at the top or bottom of each hour to learn how it works.

[Find Out More](#)

Learn From Our Exhibitors

All Day -- Exhibition Hall

The Exhibit Hall is playing host to a number of hardworking organizations eager to share their knowledge with you. Come learn about data, design and much more from our dedicated exhibitors, and stop by the ALEC table to find out about our latest initiatives.

Today's Agenda

THURSDAY, DECEMBER 7			ROOM	FL	TRACK
7:00 AM - 7:50 AM	Capitol Commission Devotional		Mockingbird 2	3	
7:30 AM - 8:00 AM	Registration and Live Feedback		Prefunction	2	
8:00 AM - 9:15 AM	Breakfast		Broadway Ballroom	2	
9:00 AM - 3:00 PM	Exhibit Hall		Prefunction	2	
9:00 AM - 3:00 PM	Hospitality Suite: FreedomWorks		Music Row 1	2	
9:00 AM - 3:00 PM	Hospitality Suite: Family Research Council		Music Row 2	2	
9:30 AM - 10:45 AM	Workshop: The Changing Landscape of America		Broadway Ballroom G - H	2	
9:30 AM - 10:45 AM	Workshop: How States Can Preserve America's Future with a Balanced Budget Amendment		Broadway Ballroom J - K	2	
9:30 AM - 11:30 AM	Task Force on Homeland Security *Open to Both ALEC and ACCE Attendees		Music Row 5	2	
9:30 AM - 3:00 PM	On-Camera Training *Must Attend Media Training on Wednesday		Music Row 4	2	
9:30 AM - 4:00 PM	CARE Training		Music Row 3	2	
9:30 AM - 5:00 PM	Legislative Staff Fellowship (By Invitation Only)		Cumberland 1 - 2	3	
11:00 AM - 12:15 PM	Workshop: Voting Integrity Policy		Broadway Ballroom G - H	2	
12:30 PM - 2:00 PM	Lunch		Broadway Ballroom	2	
2:30 PM - 3:15 PM	American City County Exchange: Urban and Rural AgriTourism		Legends Ballroom C	2	
2:30 PM - 5:30 PM	Task Force on Civil Justice		Music Row 5	2	
2:30 PM - 5:30 PM	Task Force on Energy, Environment and Agriculture		Legends Ballroom A - B	2	
2:30 PM - 5:30 PM	Task Force on Federalism and International Relations		Legends Ballroom G	2	
2:30 PM - 5:30 PM	Task Force on Health and Human Services		Legends Ballroom E - F	2	
2:30 PM - 5:30 PM	Task Force on Tax and Fiscal Policy		Legends Ballroom D	2	
3:30 PM - 4:30 PM	American City County Exchange: 1st Amendment Speech at the Local Level		Legends Ballroom C	2	
4:45 PM - 5:30 PM	American City County Exchange: ACCE Model Policy Session		Legends Ballroom C	2	
5:30 PM - 6:30 PM	Reception for the Task Force on Energy, Environment and Agriculture		Music Row 3	2	
5:30 PM - 6:30 PM	Reception for the Task Force on Health and Human Services		Music Row 4	2	
6:00 PM - 9:00 PM	Jefferson Awards Reception and ALEC Awards Dinner (By Invitation Only)		Broadway Prefunction and Ballroom	2	


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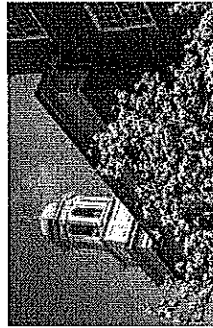
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The Department of Political Science

December 2017 Alumni Newsletter



Support POL

This fall our campus took on its characteristic seasonal beauty, but with the change of seasons comes so much more. We welcomed the Class of 2021 to Miami totaling 3864 students—another incredible group filled with promise, excitement, and curiosity. The class is one of our most accomplished, with an average ACT of 28.4

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and average GPA of 3.75. The Class of 2021 is also one of our most diverse in terms of multicultural and first generation students, 16.9% and 15.1% respectively.

All indications point to plenty of interest in politics among the new arrivals. In Harrison Hall, we continue to grow at a healthy pace, recently tallying about 840 total majors. As a new chair, I can't imagine a better gig. It is just a delight to sit down with our new majors and hear how their interest in political science developed and their aspirations to impact change through politics and public service. And just in time to welcome our students back to campus, we cleared out all the construction dust in Harrison Hall to christen some fresh new classroom space.

We also opened the doors to the newly renovated homes for the Center for Public Management and Regional Affairs and the Havighurst Center for Russian & Post-Soviet Studies on the third floor of Harrison. Our continuing students returned to classes after a very busy summer of internships, fellowships, and mentoring opportunities.

Email Us



Thank you for giving your time and support to Miami University, the Department of Political Science, and most of all to our students—they're our future.

Fall 2017 Janus Forum: "Is the National Debt the New Road to Serfdom?"

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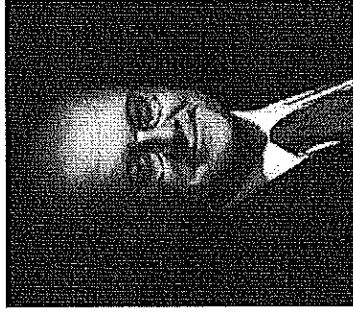
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Economy) hosts the Janus Forum, a chance for the Miami community to engage in a high-level discourse on a salient public issue.

This fall, the Janus Forum was focused on the national debt. The speakers were former U.S. Comptroller General **Dave Walker** and former CBO Director **Alice Rivlin** in an event entitled, "Is the National Debt the New Road to Serfdom?" Read more about the Fall 2017 Janus Forum.

Constitution Day Lecture: Dr. Allen Guezlo

This fall, the Department of Political Science welcomed **Dr. Allen Guezlo** to campus for the annual Constitution Day Lecture. Dr. Guezlo is a historian from Gettysburg College with expertise in the Civil War and the life of President Abraham Lincoln. His Constitution Day lecture focused on a different institution, though one that is deeply rooted in American history, the Electoral College. [Read more about the Constitution Day Lecture.](#)



Visiting Scholar in Public Leadership:
Mike Dittoe

This past Fall Semester, the CPMRA (Center for Public Management and Regional Affairs welcomed **Michael R. Dittoe** as the 2017 Visiting Fellow in Public Leadership. A 2005 graduate of Miami University with a major in Public Administration, Mike is currently Chief of Staff, Ohio House of Representatives, Office of the Speaker of the House/Majority Caucus. As Chief of Staff, he develops, manages and executes an annual House operating budget exceeding \$23 million, including payroll, and he serves as principal advisor to leadership on legislative policy.



During his career, Mike served as Director of Communications for the Ohio House of Representatives Majority Caucus and organized news conferences, media briefings, and teleconferences for the Ohio General Assembly. Mike also

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Brian is currently Senior Director of Transportation, Fleet, and Regulatory Compliance at Cintas. Kelli is a Senior HR Specialist at P&G. Patrick is the District Manager at Gallo/Breakthru Beverage Group. Nick is a Senior Talent Acquisition Specialist at CareSource.

[Read more about Nick Kanoza here.](#)



In a busy semester for alumni visits to campus, the Department of Political Science was proud to welcome back to campus **CDR Jeff Betz**, who is an active duty officer in the U.S. Navy.

CDR Betz is a 2001 graduate of Miami and its Navy Reserve Officer Training Corps. He is currently based in Norfolk, Virginia, where he works at the NATO Allied Command Transformation. CDR Betz visited a variety of classes and was able to share his experience in the Navy with students.

[Read more about Jeff Betz here.](#)



Student Spotlights

Patrick O'Malley: SCUSA

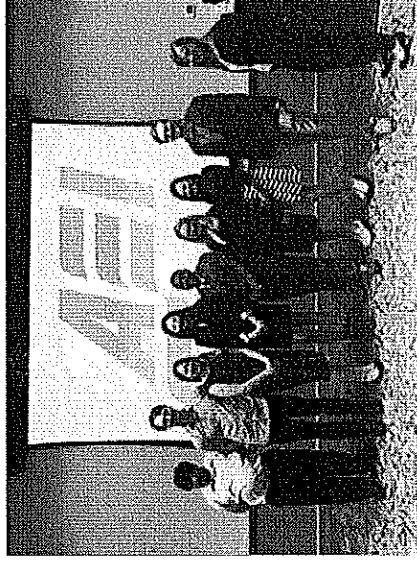
Patrick O'Malley, a senior Political Science and History major, recently attended the Student Conference on U.S. Affairs at the United States Military Academy (West Point) with sponsorship from the Department of Political Science.

Pat, who also serves on the executive boards of the Janus Forum and Miami's AEI council, was able to engage in intensive discussions with other college students and

Read more about Pat O'Malley here.



The AEI policy competition provided an opportunity for students to focus on creative solutions to the daunting policy problems facing modern society. **Hannah Shepherd**, the competition winner, spoke about the need for a holistic approach when it comes to mental health care. In particular, she advocated for mental health screenings in grade school and mental health evaluations and care for prison inmates.



College of Arts and Science at Miami University

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Check Out The Hospitality Suite

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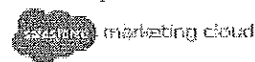
Need a break in between workshops and task force meetings?

Check out the Hospitality Suite hosted by the Family Reasearch Council located on Music Row 2 (second floor).

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Special Invitation - Give Congressional Leadership Your Feedback

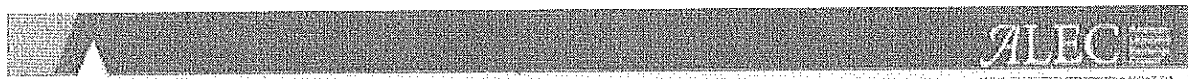
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**You're Invited - ALEC Advisory Discussion**

Join an advisory discussion tomorrow morning after breakfast with a representative from Congresswoman Cathy McMorris Rodgers' office, Chairwoman of the Republican House Conference in the U.S. House of Representatives.

When: Friday, December 8, 9:30 – 10:30 AM

Where: The Omni Nashville, Room – Music Row 5

What: Congressional Advisory Discussion on tax reform, infrastructure and other 2018 priorities

Join other ALEC leaders and Mrs. Rachel Barkley, Director of Outreach and Coalitions for the House Republican Conference, for a **strategy session and opportunity to provide your thoughts, experiences and other feedback for House leadership** regarding tax reform, infrastructure, and other Congressional 2018 priorities.

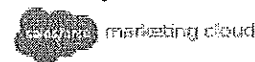
This is also a **unique opportunity to let House leadership know about your preferred priorities for 2018**, and to plan collaboration between the states and federal government to realize shared goals.

Please RSVP to avarner@alec.org.

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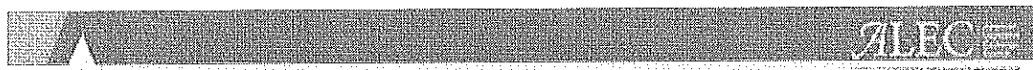
Your SNPS Wednesday Recap

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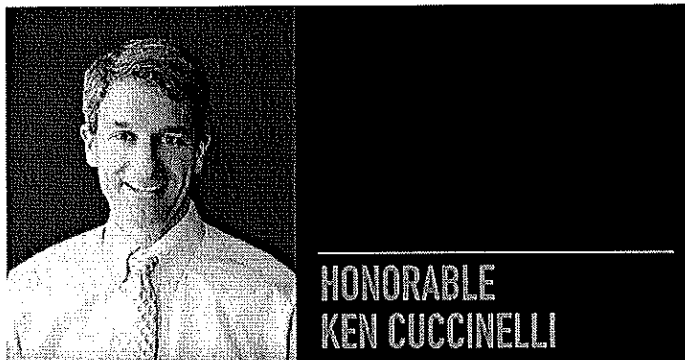
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[View Photos](#)**Ken Cuccinelli Emphasizes Need for Balanced Budget Amendment**

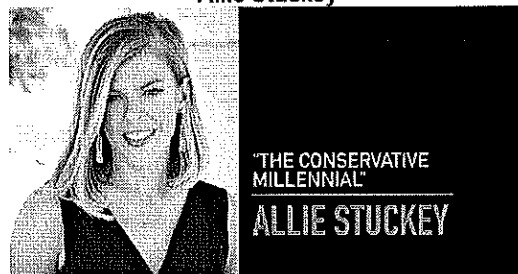
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TN Governor Haslam and Allie Stuckey Headline Lunch Plenary

**Governor of Tennessee
Bill Haslam**

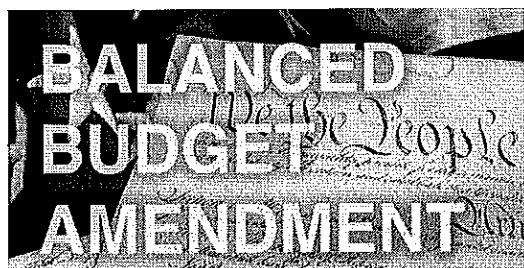

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**Conservative Commentator
Allie Stuckey**


[Watch Video](#)

In Case You Missed it

Arizona Representative Comments on Article V



Arizona Representative Kelly Townsend, who was elected President of the recent Balanced Budget Amendment Planning Convention in Phoenix, comments on the progress of the Article V process. Townsend, along with fellow legislators is advocating strongly for a convention of states to ratify a Balanced Budget Amendment to the U.S. Constitution.

[Watch Video](#)

Legislative Staff Learn About Policy and Process



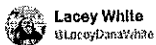
State Legislators are not the only ones learning at ALEC conferences. The Legislative Staff Fellowship, offered at every major ALEC meeting, teaches state legislative staff about policy.

[Learn More](#)

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Lacey White
@LaceyDanaWhite

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.@ALEC_states legislative staff fellows are discussing #CriminalJustice with @RJLampard and @MarcALevin from @TPPF this morning.

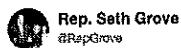
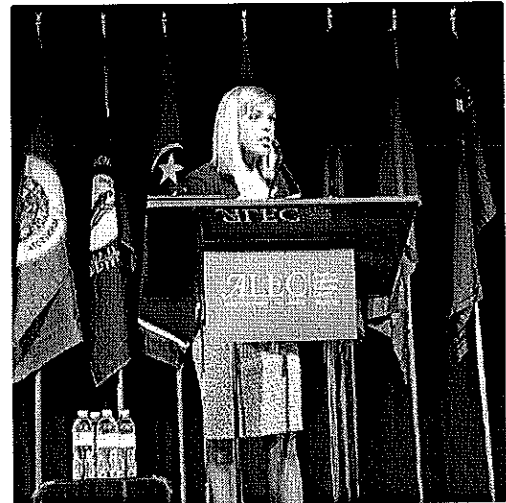
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Millennials like @conservmillen give us hope for the future. @ALEC_States #ALECideas



Rep. Seth Grove
@RepGrove

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#ALECideas Talking budgets, taxes, and TABOR @ALEC_states

Success of @TaxpayersCaucus led to not having massive energy taxes.



Teresa In Biometrics
@MetaBiometrics

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Really enjoying presenting with My co-panelists, @SheriffPinellas Asst. Chief Deputy Jowell & Michael Hogan from TN dept. of Safety & Homeland Security @ALEC_states Policy Summit. We all believe in responsible use of Facial Recognition & can make a positive difference. #ALECinTN



Special Invitation - Give Congressional Leadership Your Feedback

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This is also a **unique opportunity to let House leadership know about your preferred priorities for 2018**, and to plan collaboration between the states and federal government to realize shared goals.

Please RSVP to avarner@alec.org.

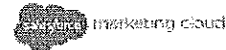
Tomorrow's Agenda

FRIDAY, DECEMBER 8			ROOM	FL	TRACK
7:00 AM - 7:50 AM	Capitol Commission Devotional		Cumberland 4	3	
7:30 AM - 8:00 PM	Registration and Mail Stop Pick Up		Registration	2	
8:00 AM - 9:15 AM	Breakfast		Broadway Ballroom	2	
9:00 AM - 3:00 PM	Exhibit Hall		Prefunction	2	
9:00 AM - 3:00 PM	Hospitality Suite: FreedomWorks		Music Row 1	2	
9:30 AM - 10:45 AM	Workshop: Free Speech, Academic Freedom and Intellectual Diversity on Campus		Broadway Ballroom G - H	2	
9:30 AM - 10:45 AM	Workshop: Start-Up CEO: Making the Choices to Develop a Novel Medicine		Broadway Ballroom J - K	2	
9:30 AM - 3:00 PM	On-Camera Training <i>*Must Attend Media Training on Wednesday</i>		Legends Ballroom C	2	
9:30 AM - 5:00 PM	Legislative Staff Fellowship <i>(By Invitation Only)</i>		Cumberland 1 - 2	3	
11:00 AM - 12:30 PM	Lunch		Broadway Ballroom	2	
12:45 PM - 2:00 PM	Workshop: Resiliency and Reliability: Baseload Electricity's Role in Maintaining the Grid		Broadway Ballroom G - H	2	
12:45 PM - 2:00 PM	Workshop: How Nevada Addressed the Opioid Epidemic through Common Sense Legislative and Medical Solutions		Broadway Ballroom J - K	2	
2:30 PM - 5:30 PM	Task Force on Criminal Justice Reform		Music Row 5	2	
2:30 PM - 5:30 PM	Task Force on Commerce, Insurance and Economic Development		Legends Ballroom E - F	2	
2:30 PM - 5:30 PM	Task Force on Communications and Technology		Legends Ballroom D	2	
2:30 PM - 5:30 PM	Task Force on Education and Workforce Development		Legends Ballroom G	2	
5:30 PM - 6:30 PM	Reception for the Task Force on Criminal Justice Reform		Legends Ballroom C	2	
5:30 PM - 6:30 PM	Reception for the Task Force on Commerce, Insurance and Economic Development		Music Row 1	2	
7:00 PM - 11:00 PM	State Night <i>(Contact Your State Chair for More Information)</i>		Off-Site		

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What's Happening Today at SNPS

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Friday's Agenda

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DEC. 6 - 8

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Look Ahead - December 8, 2017



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Today is the last day of the States and Nation Policy Summit. Please make sure to check the agenda to find the location of your task force meetings and workshops. We hope you've had a great time this week.

Last night, Dr. Art Laffer was awarded the inaugural **Laffer Award for Excellence in Economics**. This morning, he will be joined by his colleagues: Stephen Moore, Steve Forbes and Larry Kudlow for a panel discussion.

[View Agenda](#)
[View Conference Map](#)

***Programming Note:** Due to scheduling issues, we will no longer be holding Media Training at SNPS*

Today's Plenary Breakfast

8:00 AM -- Broadway Ballroom

U.S. Representative Diane Black

Dr. Arthur Laffer, Larry Kudlow, Stephen Moore and Steve Forbes

Today's Plenary Lunch11:00 AM -- Broadway Ballroom
Utah Senate President Wayne Neiederhauser

Dr. Trent E. Kaufman

Other Events**ALEC CARE: Your Data at Your Fingertips****Music Row 3 -- Every Half Hour**

Get to know your district with the groundbreaking tool ALEC CARE. **It's available to every ALEC Legislator free of charge.** This is a powerful tool that helps make your data work for you. **Attend this rolling, 30-minute demonstration at the top or bottom of each hour to learn how it works.**

[Find Out More](#)**Learn From Our Exhibitors****All Day -- Exhibition Hall**

The Exhibit Hall is playing host to a number of hardworking organizations eager to share their knowledge with you. Come learn about data, design and much more from our dedicated exhibitors, and stop by the ALEC table to find out about our latest initiatives.

Today's Agenda

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Today's Workshops

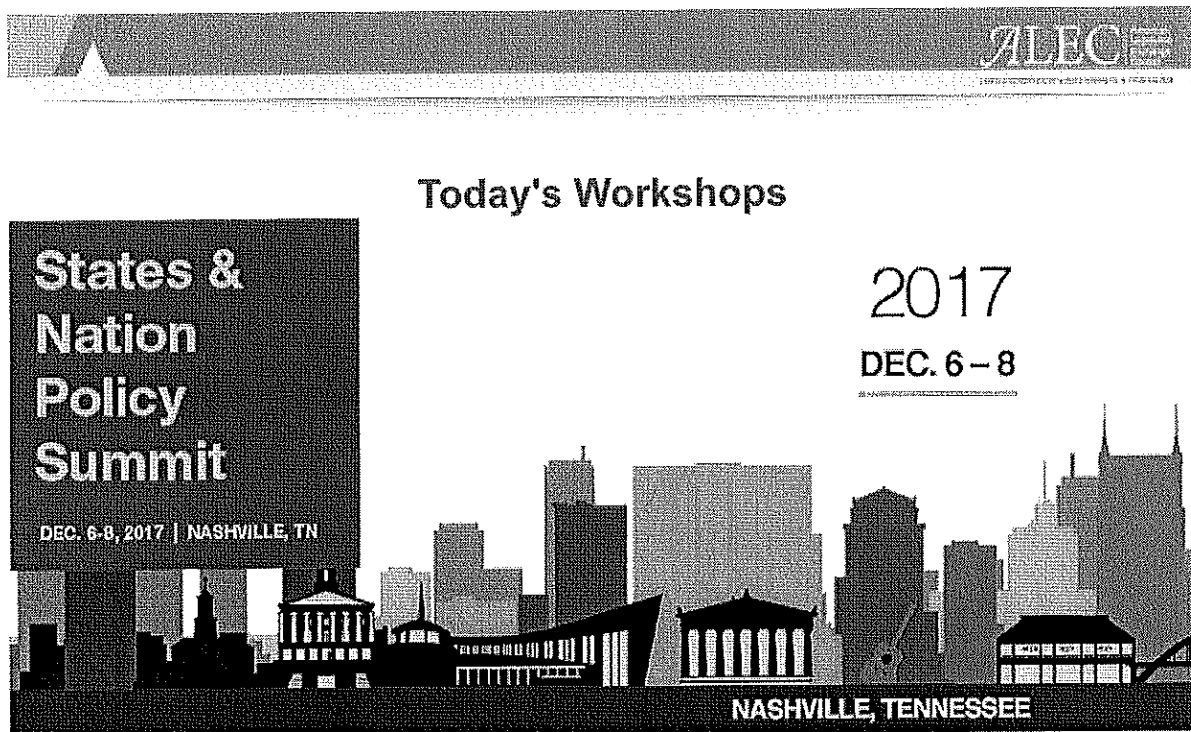
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**Free Speech, Academic Freedom and Intellectual Diversity on Campus**

9:30 AM -- Broadway G-H

Start-up CEO: Making the Choices to Develop a Novel Medicine

9:30 AM -- Broadway J-K

Resiliency and Reliability: Baseload Electricity's Role in Maintaining the Grid

12:45 PM -- Broadway G-H

How Nevada Addressed the Opioid Epidemic through Common Sense Legislative and Medical Solutions

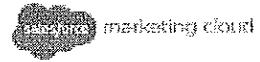
12:45 PM -- Broadway J-K

Programming Note ALEC CARE Sessions have concluded for the week. For inquiries, contact avarner@alec.org.

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Your SNPS Wednesday Recap

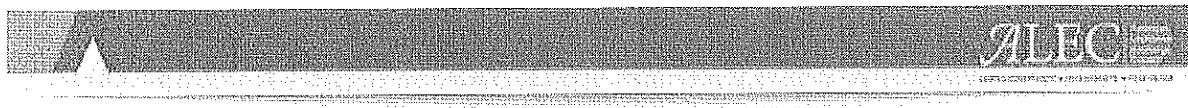
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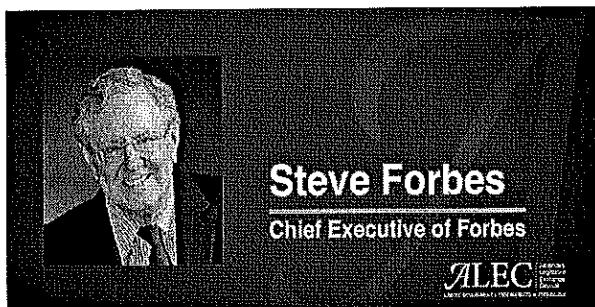
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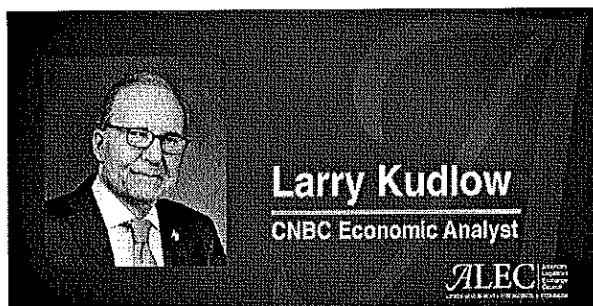
[Committee to Unleash Prosperity Holds a Morning Panel on Tax Reform](#)



Talking Tax with Steve Forbes and Larry Kudlow



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Week in Review

A Look Back At SNPS



ALEC would like to thank you for being a part of our States and Nation Policy Summit. We are posting videos of all of our general sessions to ALEC.org. Please take a look.

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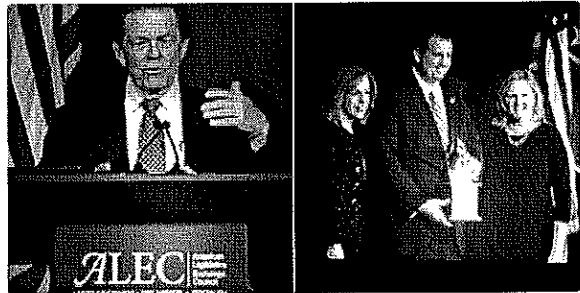
On @ALEC_states panel this morning w/ Art Laffer, Larry Kudlow, & Steve Moore on tax cuts. Great, lively discussion—likely bill will do more good than harm! #LafferCurve @StephenMoore @larry_kudlow



Stephen Moore
@StephenMoore

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Congrats to my dear friend Dr. Art Laffer—supply side economics guru & #Reagan adviser—on receiving the inaugural @ALEC_states Laffer Award for Economic Excellence. #LafferCurve #ALECinTN #ALECIdeas @SteveForbesCEO @larry_kudlow



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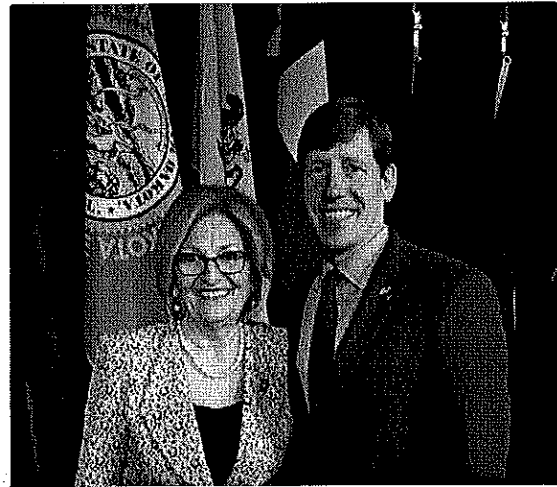
"Prosperity makes people happy" "Pro business is pro worker" Supply side superstars @Larry_Kudlow @LafferCenter @SteveForbesCEO and @StephenMoore discussing #TaxReform @ALEC_States #ALECIdeas #ALECinTN



Brian Kelsey
@Brantkelsey

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Earlier this morning, I was proud to introduce my friend and former colleague @RepDianeBlack to speak at the @ALEC_states 2017 States & Nation Policy Summit here in Nashville!



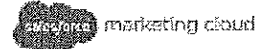
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Ohio Report, Tuesday, December 12, 2017

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OHIO REPORT TUESDAY, DECEMBER 12

Committee Advances Ban On Down Syndrome Abortion**Utilities Urge Lawmakers To Scrap Bill Revising Regulatory Structure****Committee Hearings Begin For Third Nuclear ZEN Proposal****Broadband Bill Backers Highlight Internet's Link To Economic, Health Outcomes****Former Justice Asks Lawmakers To Address Mandatory Bindovers****Human Trafficking Expungement List Draws Concerns****Groups Seek Shift In Burden Of Proof For Self-Defense Cases****Proposed Constitutional Amendment Aims To Reduce Prison Population, Divert Funding To Drug Treatment****Financial Health Ratings Show 'Slight Increase' In Fiscal Stress Among Ohio Counties, Cities****Debate Over Debt Adjusting Bill Continues As Legal Community Raises Concerns****Inspector General Finds Wright State Overpaid Consultant By \$1.8 Million**

**Politics Notebook: Bacon In Congress Bid; Rendell Backs Pillich;
Antonio Bemoans Lack Of HB160 Hearing...**

Governor's Appointments

Attorney General's Opinion

Supplemental Agency Calendar

Supplemental Event Planner

Senate Committee Hearings

Insurance & Financial Institutions

Judiciary

Health, Human Services & Medicaid

Government Oversight & Reform

House Committee Hearings

Ways & Means

Financial Institutions, Housing & Urban Development

Finance

State & Local Government

Education & Career Readiness

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Public Utilities

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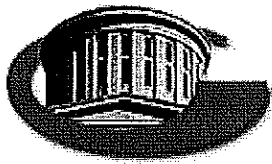
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GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #86, Report #238 -- Tuesday, December 12, 2017

Committee Advances Ban On Down Syndrome Abortion

A Senate committee on Tuesday reported a bill banning abortions due to a Down syndrome diagnosis, potentially setting up a Wednesday floor vote that would send the measure to Gov. John Kasich.

The bill (HB 214) is the House version of the ban, and the Senate Health, Human Services & Medicaid Committee's vote came after it recommended identical language (SB 164) last month. (See Gongwer Ohio Report, November 14, 2017)

As she did on the panel's earlier vote, Sen. Stephanie Kunze (R-Hilliard) joined Democrats in voting against the report.

The committee held one hearing on the House version, with no members of the panel asking witnesses questions about the bill.

Sponsor Rep. Sarah LaTourette (R-Chagrin Falls) said people born today with Down syndrome and other developmental disabilities are more likely to be able to live longer lives than they could in the past.

"A person with Down syndrome is at increased risk for several medical conditions including congenital heart defects, respiratory, hearing and vision problems, thyroid conditions and gastrointestinal issues," she said. "All of these conditions are treatable and/or manageable with modern health care and the majority of individuals with Down syndrome are now able to lead healthy, long lives."

Fellow sponsor Rep. Derek Merrin (R-Maumee) said he believed people with Down syndrome have a right to live.

"I strongly believe life begins at conception and all unborn children deserve the right to life. Whether a child should live or die, should not be determined by their natural-born appearance, physical characteristics, or disability," he said.

Jaime Miracle, deputy director of NARAL Pro-Choice Ohio, opposed the bill, saying it could be expensive to defend in court. Other states have spent millions of dollars defending abortion restrictions, she said.

The bill would interfere with the relationship between a doctor and a patient, she said. Further, the bill has no protections for treating a woman in a life-threatening situation.

"This type of uncertainty would create a chilling effect on the medical profession in Ohio," she said. "Doctors would face a fourth-degree felony and the loss of their medical license if they thought they followed the law, but a local prosecutor decided that they didn't do enough to fit the prosecutor's interpretation of the definition of 'knowledge' or they treated a woman who was in a medical crisis of her own or her fetus where a Down syndrome diagnosis was also present."

Decisions related to a pregnancy should ultimately be up to the woman, her family, her health care provider and others she trusts, Ms. Miracle said.

Mike Gonidakis, president of Ohio Right to Life, said government programs and laws are designed to protect people with disabilities as soon as they're born, but those people aren't protected before birth.

"What does it say about us as a society in 2017 if we're going to silo human beings based on an extra chromosome, a genetic abnormality?" he said.

Alana Belle, community organizer of New Voices Cleveland, opposed the bill, saying it is not intended to uplift people with disabilities and distracts from efforts to do so through education and other policy.

"The protection of this particular demographic of people is critical to their ability to survive and thrive but House Bill 214 is not about the protection of people," she said. "HB214 is about the protection of anti-choice value systems that are designed to unconstitutionally challenge *Roe v Wade* by strategically attacking abortion access in sections."

Utilities Urge Lawmakers To Scrap Bill Revising Regulatory Structure

Utilities on Tuesday railed against a bill to outlaw electric security plans, telling lawmakers the proposal would reduce competition and throw a wrench into a system that has worked fine for a century.

But proponents - including the Ohio Consumers' Counsel - remain adamant the proposal from Rep. Mark Romanchuk (HB 247) will save consumers dollars by forcing utilities to ditch ESPs in favor of market rate offers. (See Gongwer Ohio Report, December 5, 2017)

The utilities' remarks came during the House Public Utilities Committee's fourth hearing on the bill, which would also enable ratepayers to be reimbursed for rates the Ohio Supreme Court later rules improper.

AEP, Duke Energy and Dayton Power & Light each dispatched representatives to question proponent claims that ESPs are driving up consumer costs and that customers are missing out on savings because utilities refuse to use market rate offers.

Tom Froehle, AEP Ohio vice president of external affairs, decried proponents' characterizations of "how terrible ESPs are" and said the market rate option has never been tested at the Public Utilities Commission of Ohio.

Mandating MROs, he said, would lock parties into "an inflexible path with no opportunity to negotiate terms that would benefit the consumers, especially during periods of volatile market prices."

He also sought to discredit proponents, who he said in 2008 and 2009 expressed their support for ESPs as lawmakers considered creating that approach.

Ohio Consumers' Counsel Bruce Weston, in response, criticized the opponent testimony as "anti-consumer."

"The standard offers give Ohio consumers the benefit of competitively bid prices on their electric bills, without the pressure of door-to-door sales and telemarketing, and should be preserved as one of the best energy options for consumers," Mr. Weston said.

Other supporters, such as the Ohio Manufacturers' Association, have argued the bill would increase competition in the market. The Buckeye Institute's Greg Lawson submitted proponent testimony to the committee to that effect this week. (See Gongwer Ohio Report, November 28, 2017)

"Manufacturing is the single largest sector in the state in terms of gross domestic product and manufacturers typically count electricity as one of their largest expenditures." Mr. Lawson wrote. "Technology companies are increasingly counting Ohio as a candidate for new sites, and a more competitive electricity market should help to attract and retain these investments."

But Mr. Froehle said those parties who are now criticizing the status quo have long had a seat at the table as the companies and stakeholders negotiated over ESPs and related settlement agreements.

Those negotiations, along with legislative mandates, Mr. Froehle told Rep. Romanchuk (R-Mansfield), are the genesis of many of these contested riders that critics say are driving up costs.

"Those riders typically are product of negotiation," Mr. Froehle said, adding that OMA and others have been at the table and "have negotiated certain benefits for themselves."

"It sounds like you don't like the riders," Rep. Romanchuk replied. "Why don't we just get rid of the whole thing?"

"I think negotiations are great. That's why I don't understand why we're arguing," Mr. Froehle said. "(Opponents) come over here and act like something has been imposed on them. They're in the game. They're in this negotiation."

Amy Spiller, deputy general counsel for Duke Energy, said the bill would "disrupt the balance of the state's regulatory paradigm, drive up costs for all utility customers, create inequities, bar legitimate participation in competitive markets, and invade the province of the Federal Energy Regulatory Commission."

She too questioned the benefits of MROs versus ESPs as explained by proponents. "It has been inferred that ESPs have contributed to significantly higher rates since their inception," Ms. Spiller said. "But this suggestion is quickly dismissed by comparing price changes since that time to inflation."

And she said there's no need for the bill because a remedy for consumers already exists in that they can pursue a stay before the Ohio Supreme Court to prevent rates from being collected under after a court ruling.

But Rep. John Rogers (D-Mentor-on-the-Lake) said his reading of the law is that those requesting the stay, if their appeal fails, would be responsible for paying back the utility company. "So while there's a remedy at law it almost seems there is an insurmountable requirement," Rep. Rogers said.

Ms. Spiller said her reading is that the bond paid by the appellant is the sum used to pay back the utility and that that bond amount is set by the court.

DP&L's Nate Filler also signaled the company's opposition in written testimony.

Several interested parties also testified, including the League of Women Voters, which said electric rates have nearly doubled since 2008.

And Ohio Gas Association President Jimmy Stewart expressed "strong concerns" with the bill's provision to require refunds. "It would undo decades of ratemaking practices and violate the core principle of retroactive ratemaking," Mr. Stewart said.

The Ohio Energy Group urged the panel to refrain from eliminating ESPs outright. They can be improved, the group argued, "but abolishing ESPs altogether would be drastic and unwise," said OEG Counsel Michael Kurtz.

Finally, Joseph Olikier, senior regulatory counsel for IGS Energy, called the bill "a step backwards from the current state" in that it requires utilities to be the provider of default service and removes regulatory flexibility from the PUCO.

Committee Hearings Begin For Third Nuclear ZEN Proposal

The sponsor of two House bills to grant cost recovery to FirstEnergy nuclear plants is hoping the third time's the charm.

Rep. Anthony DeVitis (R-Green) delivered sponsor testimony Tuesday before the House Public Utilities Committee on his second, but no less controversial, bill to create a zero-emission nuclear credit program.

It's the third version of the ZEN proposal overall this year when accounting for a Senate companion ([SB 128](#)) that has slowed after four hearings before the chamber's Public Utilities Committee.

The DeVitis proposal ([HB 381](#)) and its predecessor ([HB 178](#)) are similar and have drawn the same criticism from opponents who say the program would bail out uneconomic plants. FirstEnergy, for its part, has labeled the issue a priority, with CEO Chuck Jones predicting passage in early 2018. (See [Gongwer Ohio Report, October 27, 2017](#))

Republicans in both chambers have been skeptical of the proposals; HB178 has received three hearings and a Senate version (SB 128) has similarly lost traction after four hearings. Still, Rep. DeVitis urged lawmakers to act quickly to protect the state's nuclear resources.

"Though there is no question nuclear power plants are a key component of a balanced energy mix, nuclear plants across the country are facing unprecedented challenges due to suppressed power prices and flawed federally regulated electricity markets," Rep. DeVitis said.

Rep. DeVitis sought to brush aside opponents' urging that lawmakers wait to act on the bill until the Federal Energy Regulatory Commission rules on a proposal to financially support nuclear and coal plants. FERC, he noted, recently received a 30-day extension and is now expected to rule by Jan. 10. (See [Gongwer Ohio Report, December 11, 2017](#))

"Ohio can't afford to fall behind - nor can it allow the federal government to decide its fate by waiting for solutions that may be inadequate or too late," Rep. DeVitis said. "We can safeguard Ohio's long-term energy security and a healthy economy and environment now by approving HB381."

The bill's roughly similar to its predecessor but it includes several new guardrails including capping a residential consumer's monthly nonbypassable charge at \$2.50 and capping a nonresidential customer's monthly charge to the lesser of \$3,500 or 5% of the total bill. It also downsizes the life span of the program to 12 years - ending it on Dec. 31, 2030 - down from 16 years in the prior bill. (See [Gongwer Ohio Report, October 16, 2017](#))

Committee members asked few questions of the sponsor, although [Rep. Martin Sweeney](#) (D-Cleveland) did praise Rep. DeVitis for listening to public feedback in crafting the new bill.

Rep. DeVitis called the latest version "a step in the right direction."

"I think it's a significant improvement," Rep. Sweeney agreed, "and I'm looking forward to working with you to make it become reality."

[Rep. Adam Miller](#) (D-Columbus) questioned the sponsor on a provision that would exempt from public disclosure records submitted to the PUCO in order to satisfy criteria of the ZEN program. Those would include financial statements, financial data and trade secrets.

Asked whether that provision would be breaking new ground or if there have been similar exemptions made in prior bills, Rep. DeVitis replied he was unsure.

Committee Chairman [Rep. Robert Cupp](#) (R-Lima) said in an interview he intends to focus any further discussion on the ZEN proposal on the new bill, which effectively means the proponents/opponent cycle may resume next year after lawmakers return.

Broadband Bill Backers Highlight Internet's Link To Economic, Health Outcomes

The House Finance Committee on Tuesday heard support for measures creating financial incentives to expand broadband internet access, which backers said would have a positive impact on the economy and Ohioans' health.

A lack of high-speed internet has contributed to fewer jobs, less educational opportunities and fewer health advancements in rural areas of the state, said witnesses who testified on legislation to establish broadband expansion and grant programs (HB 281 & HB 378).

The former would award state dollars to counties and municipalities that are willing to partially fund broadband connections.

A comprehensive substitute bill accepted Tuesday would offer those interested more ways to fund the project and removes funding ratio requirements. It also reduces the speed of internet that must be available to be considered underserved from 25 MBbs upload speed to 10 MBbs. (Comparison Document)

"We want to make sure we're allowing not only underserved (communities to participate), but we also don't want to preclude any providers out there from bidding on this as well," sponsoring Rep. Rick Carfagna (R-Westerville) said.

He said the bulk of the changes to the bill are centered on ensuring underserved communities have the flexibility to take advantage of the opportunity to expand broadband.

Defiance County Commissioners President Ryan Mack said having no mechanism in place currently for communities to fund so-called last-mile expansions is hindering their ability to be competitive.

"The current state of fiber optic infrastructure in the state of Ohio, if not addressed, will hamper our ability to educate our youth and be competitive on the world scene with economic development for generations to come," he said. "This bill is the best step in the right direction to address these serious infrastructure issues."

A Defiance College study showed that more than 50% of the businesses in the county experience slow internet speeds or complete internet breaks for days at a time, Mr. Mack said.

The same issue is also plaguing southern Ohio, said Hocking College President Betty Young. She testified in support of House Bill 378, which would appropriate \$50 million each fiscal year through the Third Frontier Research and Development Fund to finance the Ohio Broadband Development Grant Program.

The Development Services Agency would administer the program and award grants of up to \$5 million to eligible political subdivisions, businesses, nonprofits and co-ops for construction and installation of broadband infrastructure.

Although higher education institutions in the state have access to fiber, there are students who can't connect to the internet when they're at home, meaning they're unable to complete assignments or seek out opportunities to work remotely, Ms. Young said.

"We have programs in web and app development and cyber security and the students have to be in certain labs in certain places where they can do that," she said.

If more tech jobs, which often provide employees with livable wages, could operate in the region, there would be more hope, Ms. Young said. If residents have hope, they may be less likely to turn to opiates, which are a major problem in her area of the state.

"We have people who can do these jobs, who want to work who will be happy to work...but without having jobs, without having access, many of them are not going to leave southern Ohio."

Stu Johnson, executive director for Connect Ohio, said 300,000 households in rural Ohio don't have access to broadband. Another 2.1 million households are served only by one provider.

"The bill rewards creative ways to stretch dollars and build out service to as many people as possible, while also prioritizing broadband service to unserved community anchor institutions, such as education, public safety, and healthcare facilities," he said.

Thirteen other states have passed similar legislation, he said. In Minnesota, which served as a model for the proposed program, a number of qualified applicants have applied to receive grants.

Wisconsin recently added another \$7.5 million to its program because it has been so successful, he added.

Among those that would be interested in applying for the proposed grants are co-ops like the Consolidated Electric Cooperative that represents Delaware and Morrow counties, its president Phil Caskey said.

"Consolidated has been blessed by a geography and demographic that supports our ability to make investments in non-electric services that enable and encourage the long-term growth and prosperity of our communities," he said. "Few of our sister electric cooperatives in Ohio, each independently owned by those it serves, can afford the high initial costs involved in entering these markets."

His co-op expects to invest tens of millions of dollars over the next few years to make broadband available to all but about 20,000 residents, Mr. Caskey told the committee. It will cost as much as \$40 million to serve 17,000 new households.

Former State Health Director Rick Hodges, who currently serves as executive in residence in the Ohio University College of Health Sciences and Professions, said easier access to healthcare will be one of the benefits of rural residents who receive high-speed internet as a result of the bill.

The average life expectancy in Appalachia has decreased by 5% in the last two decades while it's increased elsewhere, he said. That can partially be attributed to a lack of access to care and technological advancements in medicine.

"We have all witnessed or heard stories about the amazing advances in science that allow physicians at centers of excellence in Columbus, Cleveland or Cincinnati, or even in any city around the world, to consult with or even examine patients in remote areas. Physicians can consult with each other on a particular case. First responders can be in contact with hospitals during emergency situations," Mr. Hodges said. "That science, however, is impossible to extend to people who live without reliable broadband."

Other proponents of the bill include Ohio Municipal League and Ohio Township Association, which also provided written testimony backing House Bill 281. They were joined in their support of the latter by the Ohio Hotel and Lodging Association and the Satellite Broadcasting and Communications Association.

Subscribers Note: Complete testimony is available on the committee's [website](#) under Dec. 12.

Former Justice Asks Lawmakers To Address Mandatory Bindovers

The author of an Ohio Supreme Court decision that temporarily put an end to the practice of mandatorily binding over certain juveniles for specific offenses urged lawmakers to advance a bill that would again end the practice.

Former Justice Judith Ann Lanzinger told members of the Senate Judiciary Committee that they should not wait for the U.S. Supreme Court to act.

"Ohio has a well-deserved reputation for being in the forefront of juvenile justice," she said while testifying on the bill ([SB 64](#)). "We have judges who currently serve at a national level and those who recognize the importance of exercising their discretion appropriately. The juvenile judges should be trusted to determine the best interest of the community, the public safety and the individual juvenile in each case."

The decision Justice Lanzinger authored was reversed earlier this year after two new justices were seated on the bench. (See [Gongwer Ohio Report, May 26, 2017](#))

Asked by Sen. Cecil Thomas (D-Cincinnati) about the rationale for that reversal, Ms. Lanzinger said the newly constituted court found that ending mandatory bindovers would have overruled the General Assembly.

Ms. Lanzinger also emphasized the legislation will provide the state's juvenile judges with discretion but will not mean juveniles will be able to avoid prison in all cases.

"Passage would mean a juvenile judge will have discretion to carry out judicial duties. Artificial mandates for transfer will disappear and decisions on the proper jurisdiction for a case will remain with the judge who is most likely to understand the intricacies of a situation," she said.

"A judge may always find a juvenile unamenable after a hearing and may choose to transfer the case to common pleas court. The judge would no longer be prevented from full consideration of a juvenile case."

Niki Clum, legislative liaison for the Ohio Public Defender, also spoke in favor of the bill, saying mandatory bindovers ignore the expertise of juvenile courts.

"Social and behavioral science related to juveniles is continually changing and progressing. Since juvenile judges interact with this science and juveniles every day, they are best suited to make fact specific determinations regarding a child's amenability based on the most up to date science," she said.

Sen. John Eklund (R-Chardon) questioned whether the bill would apply retroactively. Ms. Clum said she does not believe that to be the case.

Ms. Clum told members of the panel that the legislation is "good policy for all Ohioans regardless of whether they have a connection to the juvenile justice system."

"Every Ohioan benefits from juveniles receiving mental health assistance, counseling, and education so that they can become contributing members of society," she said. "Whereas no one benefits from ignoring the developmental needs of youth and having tax dollars spent to imprison children."

Gary Daniels, chief lobbyist at the ACLU of Ohio, offered similar thoughts.

"This current lack of judicial discretion serves no one," he said. "It does not lead to rehabilitation of youth. In fact, it puts them in far more danger when they are incarcerated with adults. These same people then leave prison in worse shape than when they arrived, to the detriment of everyone."

Gabriella Celeste, director of policy with the Schubert Center for Child Studies at Case Western Reserve University, provided written proponent testimony.

Human Trafficking Expungement List Draws Concerns

Ohio prosecutors and the state public defender have issues with a measure that expands the list of eligible offenses that could be expunged on behalf of human trafficking victims.

Niki Clum, legislative liaison for the Public Defender, said she is concerned that the bill (SB 4) does not go far enough.

She suggested removing a requirement that a victim must have a conviction for prostitution and/or solicitation before applying to have other convictions expunged.

She said the bill also prevents expungement for the offenses of aggravated murder, murder and rape.

"There are cases in Ohio where a human-trafficking victim is forced to kill their pimp or a john because they have no other option and no escape from enslavement," Ms. Clum said during proponent testimony.

She also raised concerns about the factors a court can take into consideration before expunging a felony of the first- or second-degree. She said those factors could result in no such felonies being expunged.

"Instead of allowing victimized people to move past this horrible time in their lives become productive members of society, the overly broad restrictions in both bills greatly reduce the chances that victims will benefit from these bills," she said. "Victims of human-trafficking have survived unthinkable suffering. An expungement could be the fresh start they need to obtain adequate housing and good jobs to support their families."

Asked by Rep. Bernadine Kent (D-Columbus) if she believes the legislation would hinder the prosecution of traffickers, Ms. Clum said she does not believe that to be the case.

Rep. Bill Seitz (R-Cincinnati) said his major concern with the bill is that it does not give the prosecution the opportunity to challenge the trafficking claim.

Ms. Clum said she is concerned that such a requirement would lead to retaliation, but Rep. Seitz said it could be done through an in-camera process and out of the public's view.

Lou Tobin, executive director of the Ohio Prosecuting Attorneys Association, recommended several changes to the bill, including the exclusion of all first- and second-degree felonies from the expungement process.

"Under the bill, someone would be able to seek to expunge the records of offenses as serious as voluntary manslaughter, felonious assault, kidnapping, abduction, aggravated robbery, and aggravated burglary, among many others," he said in interested party testimony.

Mr. Tobin also recommended that the bill be changed to include a provision that allows for the application for expungement to be filed only after the completion of any sentence for the offense and final discharge by the court or the Department of Rehabilitation and Correction. He also asked for a provision that makes it clear a court cannot order an expungement for dismissals without prejudice prior to the expiration of the statute of limitations.

The bill, he said, "would allow a victim of human trafficking to seek to have the records in the case destroyed even though charges may be refiled."

Rep. Jim Butler (R-Oakwood) questioned the OPAA's rationale for testifying as an interested party.

Mr. Tobin said that is because the state's prosecutors sympathize with victims of human trafficking but have serious concerns about the destruction of records.

Also providing written testimony in favor of the measure were representatives of the ACTION OHIO Coalition for Battered Women, the YWCA of Dayton and Case Western Reserve University. Two survivors of human trafficking also provided written testimony in support of the bill.

Groups Seek Shift In Burden Of Proof For Self-Defense Cases

Gun-rights groups and representatives of Ohio's indigent defendants asked a Senate committee Tuesday to shift the burden of proof for those involved in self-defense cases.

The measure (SB 180) would expand instances in which there is no duty to retreat.

Gun rights groups say the current law, which places the burden of proof on the defendant in such cases, makes Ohio an outlier among states.

Doug Deeken, director of Ohioans for Concealed Carry, said the duty to retreat is a "legal trap."

"It is a sad fact that in Ohio under current law someone can be attacked on the streets and then victimized again in court for not running away fast enough," he said. "A split-second life or death decision gets to be reconsidered

in the comfort of a lawyer's office for weeks and months afterwards. That's grossly unfair to the original victim of the criminal attack, regardless of which level of force might be used to preserve their life."

State Public Defender Tim Young also backed the proposal.

"It is simply unfair to continue to put the burden on Ohioans to prove they acted lawfully," he said. "It is the antithesis of our justice system - innocent until proven guilty. It should be the government's burden to prove unlawfulness. Locking someone up for a crime and taking away their liberty is not supposed to be easy. Proof beyond a reasonable doubt is a pillar of court criminal justice system and our democracy. It is intended to be a heavy burden."

Also providing proponent testimony on the measure was Amy Lesser.

The state's prosecutors, however, raised several concerns with the legislation, including shifting the burden of proof.

"It will inevitably lead to individuals who have committed very serious crimes walking away unpunished," Ohio Prosecuting Attorneys Association Executive Director Lou Tobin said.

Sen. John Eklund (R-Chardon) questioned whether prosecutors would object to shifting the burden of proof, but with a lesser burden than beyond a reasonable doubt. Mr. Tobin said his group does not believe the burden should be shifted.

Mr. Tobin also spoke against a section that would change the penalties for the offense of carrying a concealed weapon from a first-degree misdemeanor to a minor misdemeanor.

John Litle, an assistant prosecuting attorney in Muskingum County, echoed those sentiments. He said when changing law, lawmakers should first do no harm.

"Changing a 200-year body of jurisprudence that presents zero demonstrated poor outcomes is the doing of harm," he said.

Gary Daniels, chief lobbyist of the ACLU of Ohio, raised the specter that the legislation will negatively impact people of color in Ohio. He said statistics show that people of color are more likely to be interdicted by law enforcement and often face longer or harsher sentences than their white counterparts.

"When looking at national crime data, we also know that of the gigantic racial disparities when it comes to justifiable homicides," he said. "That is, when the shooter is white and the victim is black, the chance the homicide will be found justified is significantly greater than when both the shooter and victim are white (and when the shooter is black and the victim white or black)."

Michele Mueller, a volunteer with Moms Demand Action for Gun Sense in America, said the weakening of penalties for carrying a concealed handgun undermines the current permitting system for those legally carrying concealed firearms.

"This does not make me feel safer, knowing people carrying handguns in my community will no longer have to go through those safety measures," she said. "Not to mention the issues this will cause with law enforcement when they interact with people carrying guns without permits."

John Gilchrist, legislative counsel for the Ohio Association of Chiefs of Police, told the committee that current law "balances societal interests."

"There are strong public policies for preserving the sanctity of life on one hand, and on the other hand, for allowing one to protect himself from harm," he said in written testimony. "Allowing citizens to 'stand-your-ground' upsets this balance. It allows the killing of an individual in certain situations where the death could have been avoided and thus makes a criminal homicide a justifiable homicide."

Proposed Constitutional Amendment Aims To Reduce Prison Population, Divert Funding To Drug Treatment

A group looking to add criminal justice reforms to the state constitution has plans to take the issue to the November 2018 ballot.

The Ballot Board on Tuesday certified the Neighborhood Safety, Drug Treatment and Rehabilitation Amendment as a single issue, giving backers the green light to begin collecting the more than 300,000 valid signatures needed to put the proposal before voters.

The amendment would reduce nonviolent drug offenses from felonies to misdemeanors, reduce penalties for non-criminal probation violations, and provide sentence credits for participation in rehabilitative programs.

"The general idea is we're going to reduce the number of people in state prisons for low-level, non-violent crimes and instead invest that money from the savings of fewer folks in prison to drug treatment and victim services," said Michael McGovern, spokesman for the Ohio Organizing Collaborative.

An analysis of how much the state could save on prison costs as a result of the measure hasn't yet been completed, he said.

The collaborative, which is partnering with others on the Ohio Safe and Healthy Communities Campaign, is currently building a coalition to support the plan, he said. Backers include law enforcement, community and faith-based groups among others.

Although there have been legislative efforts in recent years to review and revise sentencing related to non-violent offenses, Mr. McGovern said it's no secret that the state's prisons continue to remain over capacity and a drain on resources.

"Criminal justice reform has been on the minds of people across the partisan spectrum and we felt this was a route to move it forward and build a coalition across the state to support it," he said in an interview.

If Ohioans were to approve the ballot issue, it would be a unique approach to reducing a prison population, he added. Other states have done so through legislative and administrative initiatives.

To appear before voters in November, petitioners must submit sufficient signatures to the secretary of state's office by July 4.

Financial Health Ratings Show 'Slight Increase' In Fiscal Stress Among Ohio Counties, Cities

Updated financial health indicators show Ohio counties and cities reported more indicators of potential fiscal stress in 2016 than the year before, State Auditor Dave Yost said Tuesday.

Mr. Yost made that announcement at a Statehouse press conference in which he unveiled 2016 data providing a snapshot look at the fiscal status of Ohio's municipalities through his office's Financial Health Indicator system.

Mr. Yost first unveiled the financial health indicator system - which uses 17 factors to conduct what the auditor terms a "fiscal physical" - in January as a tool to help the state's 88 counties and 247 cities foresee and avoid fiscal crises. (See Gongwer Ohio Report, January 25, 2017)



Since then, the auditor said he's been pleased by the feedback from communities and citizens using the tool. He also unveiled several changes to the online reporting tool to enable users to more easily search for and compare different counties and cities. Users, for example, can now search for municipalities by county or compare various entities passed on population size or other factors.

"If this boils it down - the numbers and the arcane sciences of accounting - to a place where people are able to have an informed conversation that's a good thing," Mr. Yost said. "That

Dave Yost means self-government is working, that means democracy is alive and well and functioning in our local communities."

The system's indicators include capital assets and infrastructure, spending exceeding annual revenues, unrestricted balance of government-type activity funds and other similar measures.

According to 2016 data, Morgan County met the fiscal stress threshold and three counties - Hocking, Jackson and Vinton - show early signs and may be two or three years away from fiscal stress. By contrast, 2015 numbers flagged no counties at fiscal stress.

At the city level, nine cities showed fiscal stress in 2016, including Akron, Canton, East Cleveland, Girard, Lorain, Maple Heights and Norwood, all of which showed fiscal stress in 2015. New to the stress list this year were Fostoria and Parma Heights.

"Not any one of these things is dispositive or time for the fire alarms," Mr. Yost said of individual indicators. "But we want to point these things out because it's time to have a conversation, understand why those issues are occurring and figure out how to deal with it."

Overall, 62.5% of counties had more critical or cautionary indicators than in 2015, but Mr. Yost said that's partly skewed because the system this year for the first time allowed communities more freedom in reporting the allocation of pension liabilities. Among cities, the difference was nearly evenly split with 45% having more indicators in 2016 and 44% having fewer.

The 2016 data also showed:

- 64 critical indicators among counties in 2016 - up from 36 in 2015.
- A 38% increase in county cautionary outlook indicators - from 132 in 2015 to 182 in 2016.
- 78 counties that had at least one cautionary outlook indicator in 2016 - up from 70 in 2015.
- The number of cities with critical indicators grew from 275 in 2015 to 301 in 2016.
- Cities reported 513 cautionary indicators in 2016, down slightly from 518 the preceding year.
- Cities with at least one critical or cautionary indicator grew 4% from 217 in 2015 to 227 in 2016.

Debate Over Debt Adjusting Bill Continues As Legal Community Raises Concerns

Debate continued Tuesday on a bill that would allow debt settlement companies to operate in Ohio, with proponents arguing it would give consumers more choices and opponents saying it would conflict with regulations on the practice of law.

The comments came as the House Financial Institutions, Housing & Urban Development Committee accepted a substitute bill for the measure ([HB 182](#)).

Rep. Bill Reineke (R-Tiffin) said the sub bill would ensure the bill doesn't affect debt collectors and requires debt adjusting companies to inform clients of creditors who won't negotiate settlements. ([Comp Doc](#))

David Leuthold, a board member of the American Fair Credit Council, said the bill would give Ohioans more tools to deal with personal debt. The substitute bill would make clients aware of creditors who won't participate.

"The notice of non-participating creditors that I mentioned is an area where Ohio law would go beyond what is required of us at the federal level, and we are OK with that," he said.

Rep. Catherine Ingram (D-Cincinnati) asked if the number of non-participating lenders is increasing.

Mr. Leuthold said the number has not increased. He said some people who go through debt settlement do eventually have to file for bankruptcy, as is also the case for credit counseling, but there are few complaints.

Rep. Ingram asked if people can negotiate the terms of their debt on their own, without debt settlement or legal representation. Mr. Leuthold said it's possible but difficult.

Rep. Robert Sprague (R-Findlay) asked what separates good debt settlement companies from bad actors in the industry.

Mr. Leuthold said new federal rules that barred companies from charging upfront fees put a lot of companies out of business. Because of the capital requirements under the new rules, he said, the companies in business today tend to do a good job. Some bad actors now pose as law firms in order to avoid federal rules, he said.

Rep. Kent Smith (D-Euclid) said a report on Maryland's debt settlement law found few people who participated received full relief from their debt.

Mr. Leuthold said a lot of clients leave the program before all of the debts are settled because they feel they can pay the rest of their debts themselves.

Jeffrey Fanger, representing the Ohio State Bar Association, said the bill would allow companies to engage in the unauthorized practice of law.

He said debtors who go through settlement are often unaware of situations such as the tax liability on debt that is negotiated away, of which attorneys would be obligated to inform them.

Mr. Fanger said the practice of law in Ohio is defined solely by the Ohio Supreme Court.

Rep. Sprague asked how the bill would affect that authority.

"What happens if the legislature passes a piece in the Ohio Revised Code that is incongruous with the Ohio Supreme Court's regulation of the practice of law?" he asked.

Mr. Fanger said if a complaint were filed, an investigation of the debt settlement would likely lead to the company being penalized by the court for the unauthorized practice of law.

"The legislature cannot authorize someone to engage in the practice of law," he said. "It does not have that power in the constitution."

Rep. Sprague asked if law firms that are currently settling debt are charging upfront fees or percentages of negotiated debt.

Mr. Fanger said law firms generally charge for the time of their services. He said the fees can't be tied to a percentage of the settled debt.

He said lawyers who perform debt settlement are subject to regulations of the practice of law and to malpractice actions.

"There's a system in place for the regulation of attorneys who are not properly negotiating these debts," he said.

Inspector General Finds Wright State Overpaid Consultant By \$1.8 Million

A vast majority of the \$2.3 million that Wright State University paid to a consultant over several years was unauthorized or questionable, according to a report issued Tuesday by Inspector General Randall Meyer.

The IG's report, which stemmed from a complaint filed by Rep. Jim Butler (R-Oakwood), determined that \$1.8 million of that total amounted to "overpayments, unsupported payments, unauthorized payments, or questionable

payments," Mr. Meyer's office reported.

The institution responded that it has already taken steps to address issues highlighted in the IG's report and that it is currently in litigation in an attempt to recoup some of the funds.

The money in question that was paid to Ron Wine Consulting Group came under a development contract to secure funding for WSU and Wright State Applied Research Corporation, according to investigative documents.

Rep. Butler contacted the IG's office in January of 2016 after meeting with Mr. Wine and examining an account summary of payments the consultant received between October 2012 and November 2015. The IG's report stated that the lawmaker believed many of the payments were outside of the scope of the contract.

Investigators were told by Mr. Wine that he had an "understanding" with former WSU President David Hopkins regarding the percentage - "about 5% of the workload" - that he would receive based on the amount of grants and other funding he obtained for the university over six-month periods. Mr. Hopkins told the IG's office that a 2009 "retainer" for Mr. Wine's services to WSU was \$6,000 per month in 2009 and that he had never met with the consultant to discuss payments outside of the contract with WSARC.

However, the IG reported, "he also stated that...it's always been the retainer and then he had a contract with (WSARC) that was specifically defined."

While state investigators identified payments made by WSU to Mr. Wine, the university "was unable to provide a contract or supporting documentation for these payments."

"Without proper documentation, the Office of Ohio Inspector General Could not determine the validity of these payments, and therefore considered them to be questionable," the IG reported.

The probe determined that the money paid to Mr. Wine came out of a \$16 million Workforce Development Fund established by the legislature that paid WSU \$4 million a year over four years.

Along with the problems cited with the payments, investigators determined that WSARC, while formed as an independent, non-profit corporation, did not "maintain sufficient independence from the university to be considered an independent entity, and instead constituted an arm of the university itself."

The IG's report concluded that wrongful acts or omissions occurred with the financial arrangement and sent the report of investigation to the Greene County Prosecutor's Office and the Auditor of State for consideration.

Mr. Meyer's office also recommended that: WSU implement an affiliation agreement with the nonprofit; consider establishing independent leadership and financial accounts for affiliated entities; consider staffing such entities with university employees; and look into hiring outside legal counsel to represent affiliated entities.

WSU said in a statement it had just received a copy of the report on Monday and would cooperate fully with any further action contemplated by the auditor or prosecutor.

"As the university is currently involved in litigation with Mr. Wine regarding his consulting services and amounts paid pursuant to such contracts, the university's longstanding practice is not to comment on pending litigation matters," WSU stated.

The university indicated that since 2015 it has taken "corrective actions" that apply to the IG's recommendations. They are as follows:

- The University has worked with the Ohio Attorney General and outside counsel since 2015 to implement new contracting procedures.
- A new general counsel was hired in March 2016 to address many of the issues.

- The Wright State University Board of Trustees established an affiliated entity policy to manage the university's relationship with WSARC and other affiliated entities.
- Wright State university established new compliance steps to ensure that all financial dealings between the university and its vendors and affiliated entities were conducted in an appropriate, open and transparent fashion.

Politics Notebook: Bacon In Congress Bid; Rendell Backs Pillich; Antonio Bemoans Lack Of HB160 Hearing...

Sen. Kevin Bacon (R-Minerva Park) on Tuesday became the second sitting lawmaker to formally declare his candidacy for the 12th Congressional District seat being vacated by U.S. Rep. Pat Tiberi (R-Galena).

"The record of achievement that I've established is one grounded in two principles: reducing government regulation and collaboration," Sen. Bacon said in a release. "Every move I make, and I'll work with anyone to achieve these goals, will seek to reduce spending, cut government red tape and help business owners create new and better paying jobs."

"From farmers to small business owners to hard working families just trying to make ends meet, I share their values," the lawmaker added. "I'll take Ohio's approach to government spending - where the budget has to balance - and fight for that sort of common sense in Washington."

Mr. Tiberi's resignation to become president of the Ohio Business Roundtable will prompt a special election, the date for which has yet to be announced. Sen. Troy Balderson (R-Zanesville) announced his intention to seek the seat last week. (See Gongwer Ohio Report, December 7, 2017)

Hearing Delay Lamented: Rep. Nickie Antonio (D-Lakewood) expressed disappointment Tuesday over the lack of any near-term hearings on her bill to bar discrimination based on sexual orientation and gender identity in areas of employment, housing and public accommodations in Ohio (HB 160).

The planned second hearing on her proposal has been pushed back to "an unspecified date in January," she said in a statement that pointed to the strong business backing for the measure.

"HB160 is supported by many of Ohio's most successful businesses and has the potential to serve as an economic catalyst to drive innovation, spur investment and attract the best and brightest to Ohio," Rep. Antonio said. "We're not deterred by this delay, and I look forward to hearing from our local and statewide chambers of commerce and over 200 businesses who have joined Ohio Business Competes to support fairness for all Ohioans as we continue hearings in the new year."

Rep. Antonio, a candidate for the Ohio Senate, said Ohio is one of 28 states without such protections for the LGBT community. Nineteen Ohio cities have passed non-discrimination ordinances, and 80% of top employers in Ohio have corporate policies that prohibit discrimination based on sexual orientation, she said.

Pillich Endorsement: Former State lawmaker Connie Pillich on Tuesday announced the endorsement of former Pennsylvania Gov. Ed Rendell for her gubernatorial bid.

"I've got a reputation for being blunt, so I won't mince words: Connie Pillich will be a darn good governor of Ohio," Mr. Rendell said in a statement released by the Pillich campaign. "As a former Air Force captain, a public defender, and State Representative, Connie knows a thing or two about leadership. I'm proud to endorse her candidacy and I'll stump like hell to get her elected."

Mr. Rendell also formerly served as mayor of Philadelphia mayor and as the Democratic National Committee Chairman.

Marijuana: Auditor Dave Yost said Tuesday his office is considering its ability to potentially review the process by which 12 Level 1 medical marijuana cultivators were recently awarded provisional licenses.

That follows accusations from spurned applicants that the licensing application process was skewed and the news that one of several people vetting applications had a previous drug dealing conviction. (See Gongwer Ohio Report, December 6, 2017)

"This is the first time we've done this in Ohio and getting it right is critically important," Mr. Yost said of the program. "We don't need to have this program held up in court or with great controversy because it was done in a slipshod matter. I don't know that it was but the optics aren't good."

Mr. Yost said his office has no power to halt the program but is able to review documents and actions taken and compare them to internal procedures and policies.

"Did they follow their own rules? Did they follow the statute? That's what we're asking questions about right now," Mr. Yost said.

He said the governor has the ability to run the Department of Commerce as he sees fit and that "I neither have nor want the power to second guess him. On the other hand, I'm a big fan of transparency and light."

Governor's Appointments

Terra State Community College Board of Trustees: Roberto Miller of Perrysburg for a term beginning December 12, 2017, and ending December 30, 2022.

Advisory Board on Amusement Ride Safety: Timothy J. Lisko, Sr. of Lowellville for a term beginning December 12, 2017, and ending January 1, 2023.

Attorney General's Opinion

No. 2017-044. Requested by Van Wert County Prosecuting Attorney Eva J. Yarger. SYLLABUS:

1. Neither a county engineer nor a board of county commissioners of one of several counties in which land is benefited or damaged by a joint county ditch constructed under R.C. Chapter 6133 may establish a ditch maintenance fund for the joint county ditch. R.C. 6137.02 confers the authority to establish a ditch maintenance fund for a joint county ditch upon a joint board of county commissioners, which consists of the members of the boards of county commissioners of the several counties in which land may be benefited or damaged by the joint county ditch.

2. A ditch maintenance fund for a joint county ditch may only be established by a joint board of county commissioners as set forth in R.C. 6137.02. All expenditures made from a ditch maintenance fund for a joint county ditch established under R.C. 6137.02 shall be made in compliance with the provisions in R.C. Chapter 6137. A joint board of county commissioners that did not establish a ditch maintenance fund for a joint county ditch pursuant to R.C. 6137.02 may not approve retroactively the establishment by one of the participating counties of a ditch maintenance fund for a joint county ditch, or approve any expenditure that has been made for the ditch's repair, upkeep, or permanent maintenance that did not comply with the provisions in R.C. Chapter 6137.

Supplemental Agency Calendar

Thursday, December 14

Elections Commission, 77 S. High St., Rm. East B, 31st floor, Columbus, 10 a.m.

Wednesday, January 10

Petroleum Underground Storage Tank Release Compensation Board, 4151 Executive Parkway, Suite 350, Westerville, 10 a.m. (The Rules Committee will meet at 12 pm in the same location)

Supplemental Event Planner

Wednesday, December 13


Rep. Wes Retherford (R-Hamilton) news conference on bill exempting files violating bodily privacy from public record, Harding Senate Press Rm., Statehouse, Columbus, 11:30 a.m.

Rep. Nathan Manning (R-N. Ridgeville) & Sen. Gayle Manning (R-N. Ridgeville) fundraiser, Oliver's, 26 N. High St., Columbus, 5 p.m., (Sponsor: \$250; Attend: \$50 to Nathan Manning for Ohio and Committee to Elect Gayle Manning)

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Click the  after a bill number to create a saved search and email alert for that bill.

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Daily Activity Planner for Wednesday, December 13

Legislative Committees

House Health (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

HB MEDICAL RECORDS (Schuring, K.) To modify the laws governing access to a patient's medical records. **172** (5th Hearing-Possible amendments & vote)

HB ABORTION (Hagan, C., Hood, R.) To generally prohibit an abortion of an unborn human individual with a **258** detectable heartbeat and to create the Joint Legislative Committee on Adoption Promotion and Support. (4th Hearing-Possible vote)

HB NURSE ANESTHETISTS (Gonzales, A.) Regarding the practice of certified registered nurse anesthetists. **191** (2nd Hearing-Proponent)

Senate Ways & Means (Committee Record) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

HB TIF DISTRICTS (Cupp, R.) To require reimbursement of certain township fire and emergency medical **69** service levy revenue forgone because of the creation of a municipal tax increment financing district. (7th Hearing-All testimony-Possible amendments & vote)

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), North Hearing Rm., 9:45 a.m.

SB SCHOOL REGULATIONS (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding **216** the administration of preschool and primary and secondary education programs. (4th Hearing-All testimony)

House Insurance (Committee Record) (Chr. Brinkman, T., 644-6886), Rm. 116, 10 a.m.

HB VISION CARE INSURANCE (Schuring, K.) Regarding limitations imposed by health insurers on vision **156** care services. (5th Hearing-All testimony-Possible substitute)

HB WORKERS COMPENSATION (Henne, M.) To make changes to the Workers' Compensation Law with **268** respect to self-insuring employers. (3rd Hearing-Opponent)

HB WORKERS COMPENSATION (Henne, M.) To rename the entities who carry out workers' compensation **269** functions in this state, to require the Administrator of Worker Safety and Rehabilitation to develop incentives for employers to participate in safety consultations and loss prevention programs, to require an employee who is receiving temporary total disability compensation to comply with a return to work plan, and to make changes with respect to compensation for permanent total disability and death benefits. (3rd Hearing-Opponent)

HB HEALTH SERVICE PRICES (Huffman, S.) Regarding the provision of cost estimates for scheduled **416** health care services and health care services requiring insurer preauthorization. (1st Hearing-Sponsor)

House Transportation & Public Safety (Committee Record) (Chr. Green, D., 644-6034), Rm. 017, 10 a.m.

SB BRIDGE PROGRAM (Hoagland, F.) To extend the Ohio Bridge Partnership Program through the end of 6 fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program. (1st Hearing-All testimony-Possible amendments & vote)

SB ROAD NAMING (Gardner, R.) To designate a portion of State Route 795 in Wood County as the "Lt Col 134 Thomas P. Belkofer Memorial Highway." (1st Hearing-All testimony-Possible substitute & vote)

HBRAIL CROSSINGS (Lepore-Hagan, M., Schuring, K.) To require vehicle operators to watch, listen, and 190 stop for on-track equipment that may be approaching a railroad crossing. (4th Hearing-All testimony-Possible vote)

HBELECTRIC BICYCLES (Brinkman, T.) To establish requirements for the use of electric bicycles. (4th 250 Hearing-All testimony-Possible vote)

HBROAD NAMING (Kelly, B., Dever, J.) To designate a portion of I-71 in Hamilton County as the "Sonny L. 347 Kim Memorial Highway." (1st Hearing-All testimony-Possible vote)

HBDRIVER'S LICENSES (Scherer, G., Sheehy, M.) To require a person to hold a temporary instruction 293 permit for one year before obtaining a probationary driver's license and to alter the time periods during which the holder of a temporary instruction permit or probationary driver's license is prohibited from operating a motor vehicle without being accompanied by a parent or guardian. (2nd Hearing-Proponent)

HBEHICLE TOWING (Gonzales, A.) To require only one notice to be sent to a vehicle owner and any 384 known lienholder after a vehicle is towed from a private tow-away zone. (2nd Hearing-Proponent)

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), South Hearing Rm., 10:15 a.m.

SB LICENSE PLATE (Obhof, L.) To create the "Medina County" license plate. (1st Hearing-All testimony-230 Possible vote)

SB PUBLIC TRANSPORTATION (Skindell, M.) Related to public transportation. (1st Hearing-Sponsor) 61

SB EMPLOYMENT PRACTICES (Skindell, M.) To regulate certain employment practices of formula retail 101 establishment employers, food services establishment employers, and contractors and to require the purchaser of a formula retail establishment or food services establishment to retain certain employees of the establishment on transfer of ownership. (1st Hearing-Sponsor)

HBLICENSE PLATES (Arndt, S., Gavarone, T.) To create the "Ohio National Guard Ohio Cross" license plate 76 and the "Ottawa National Wildlife Refuge" license plate. (2nd Hearing-Proponent)

HBCROWDFUNDING (Arndt, S.) To permit intrastate equity crowdfunding under certain circumstances. (2nd 10 Hearing-Possible amendments & vote)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

House Session (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 122, 2:30 p.m. or after session

HBOPERS BENEFITS (Scherer, G.) Regarding Public Employees Retirement System (PERS) annual cost-of-413 living adjustments granted to allowance and benefit recipients and PERS service credit for services as a nonteaching school employee of a county board of developmental disabilities. (2nd Hearing-Proponent)

House Federalism & Interstate Relations (Committee Record) (Chr. Roegner, K., 466-1177), Rm. 115, 3 p.m. or after session

HBGUN LAWS (Johnson, T., LaTourette, S.) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. (2nd Hearing-Possible amendments & substitute)

House Community & Family Advancement (*Committee Record*) (Chr. Ginter, T., 466-8022), Rm. 114, 3 p.m. or after session

HBPUBLIC ASSISTANCE (Young, R.) Regarding the release of information concerning public and medical assistance recipients. (5th Hearing-Possible vote)

HBRECORD EXPUNGEMENT (Schuring, K., Reece, A.) To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity. (6th Hearing-Possible amendments & vote)

HBPARENTAL RIGHTS (Gonzales, A., Rezabek, J.) To generally prohibit a person's blindness from being used to deny or limit custody, parenting time, visitation, adoption, or service as a guardian or foster caregiver, regarding a minor. (4th Hearing-Possible vote)

HBCHILD CARE (Carfagna, R.) Regarding parental notice of serious risks to the health or safety of children receiving child care. (3rd Hearing-All testimony)

HBCHILD SUPPORT (Gavarone, T.) To make changes to the laws governing child support. (3rd Hearing-366Opponent)

Agency Calendar

Veterinary Medical Licensing Board, 77 S. High St., Rm. 1914, Columbus, 8:30 a.m.

Real Estate Commission, 22nd Fl., 77 S. High St., Columbus, 9 a.m.

State Medical Board, 3rd Fl., 30 E. Broad St., Columbus, 9:45 a.m. (Committee meetings begin at 7:30 a.m.)

Casino Control Commission, State Room, Statehouse, Columbus, 10 a.m.

Construction Industry Licensing Board, OCILB Conf. Rm., 6606 Tussing Rd., Reynoldsburg, 10 a.m. (Plumbing Section)

Lake Erie Commission, 2045 Morse Rd., Columbus, 10 a.m.

ABLE Account Advisory Board, 77 S. High St., Rm. 1948, Columbus, 11 a.m.

State Emergency Response Commission, 2855 W. Dublin-Granville Rd., Columbus, 1:15 p.m.

Ethics Commission, 30 West Spring Street, Meeting Room 2 on the second floor, Columbus, 10:30 p.m.

Event Planner

Rep. Bernadine Kent (D-Columbus) fundraiser, Einstein Bros. Bagels, 41 S. High Street, Columbus, 8 a.m., (Sponsor \$1000, Host \$500, Friend \$350 to Kent for Ohio)

Rep. George Lang (R-West Chester Twp.) fundraiser, Due Amici, 67 E. Gay St., Columbus, 11:30 a.m., (Sponsor: \$1,00; Host: \$500; Guest: \$350 to Friends of George Lang)

Rep. Wes Retherford (R-Hamilton) news conference on bill exempting files violating bodily privacy from public record, Harding Senate Press Rm., Statehouse, Columbus, 11:30 a.m.

Rep. Nathan Manning (R-N. Ridgeville) & Sen. Gayle Manning (R-N. Ridgeville) fundraiser, Oliver's, 26 N. High St., Columbus, 5 p.m., (Sponsor: \$250; Attend: \$50 to Nathan Manning for Ohio and Committee to Elect Gayle Manning)

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House Activity for Tuesday, December 12, 2017

INTRODUCED

HJR TERM LIMITS (Sweeney, M.) To impose term limits prohibiting a person from holding office longer than **6** ■ eight years in the Ohio Senate, eight years in the Ohio House of Representatives, and more than sixteen years in total in the General Assembly. Proposing to amend Section 2 of Article II and Section 9 of Article V of the Constitution of the State of Ohio

HB MENTAL HEALTH INSTRUCTION (Sweeney, M.) To require school district boards of education to **443** ■ incorporate mental health instruction into their health education curricula. Am. 3313.60

HB FOOD OPERATION FEES (Sweeney, M.) To require a seasonal food service operation license fee to be **444** ■ one-half of the license fee for a food service operation that is not a seasonal food service operation. Am. 3717.45

HB LICENSE PLATE (Riedel, C.) To enact section 4503.734 of the Revised Code to create the "Patrol **445** ■ Supporter" license plate. Am. 4501.21

HB POWER OF ATTORNEY (Rogers, J., Seitz, B.) Relative to the acceptance of an acknowledged power of **446** ■ attorney. Am. 1337.261

HB LICENSE PLATE (Reece, A.) To create the "Amaranth Grand Chapter Order of the Eastern Star" license **447** ■ plate. Am. 4501.21 and to enact section 4503.765

HB SIBLING VISITATION (LaTourette, S., Boyd, J.) To create sibling visitation rights, to make changes to **448** ■ the law regarding sibling placement by a court or agency and sibling relationships when parental rights are terminated, and to extend the sibling relationship beyond adoption. Am. 2151.411, 3107.15, 3109.051, 3109.11, and 3113.31 and to enact sections 3109.18, 3109.181, 3109.182, 3109.183, and 3109.90

HB SPONSOR RATINGS (Rogers, J., Patterson, J.) To require the Department of Education to attribute any **449** ■ community school sponsor ratings an entity received during its relationship with a state university board of trustees to that entity even if it no longer has a relationship with the university. Am. 3314.021

HB HEALTH BENEFITS (Antani, N.) To impose review and other requirements on existing health insurance **450** ■ mandated benefits and to establish requirements for the creation of new mandated benefits. Am. 3901.88 and to enact sections 3901.881, 3901.882, 3901.883, 3901.884, 3901.886, 3901.887, and 3901.888

CALENDAR FOR COMING SESSION

SB 6 BRIDGE PROGRAM (Hoagland, F.) To extend the Ohio Bridge Partnership Program through the end of **■** fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program.

Pending committee report

SB DAY DESIGNATION (Yuko, K.) To designate July 8 as "Harrison Dillard Day."

62

SB ROAD NAMING (Gardner, R.) To designate a portion of State Route 795 in Wood County as the "Lt Col Thomas P. Belkofer Memorial Highway."

134

Pending committee report

SB TRAVEL INSURANCE (Wilson, S.) To permit the Superintendent of Insurance to act as or select a group-wide supervisor for an internationally active insurance group, regarding delinquency proceedings involving insurer-members of federal home loan banks, and to oversee the sale of travel insurance.

169

HB COMMUNITY SCHOOLS (Hambley, S.) Regarding verification of community school enrollments.

21

HB TENURED FACULTY (Young, R.) To establish the Undergraduate Mission Study Committee to evaluate each state university's efforts to secure participation in the undergraduate mission by the university's tenured faculty members.

66

HB CREDIT ACCOUNT DEBT (Schaffer, T.) To allow vendors to receive a refund of sales tax remitted for bad debts on private label credit accounts when the debt is charged off as uncollectible by the credit account lender.

104

HB AWARENESS DAY (Thompson, A.) To designate the first Saturday of May as "Veterans Suicide Awareness Day."

202

HB ADOPTIONS (Rezabek, J.) To require the juvenile court judge to provide written consent to certain adoptions involving abused, neglected, or dependent children.

283

HB GOVERNMENT INSURANCE (Wiggam, S.) To authorize counties, townships, and municipal corporations to purchase an employee dishonesty and faithful performance of duty insurance policy, instead of a bond, for protection from loss due to the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law by, an officer, official, employee, or appointee for which a bond is required by law.

291

HB MONTH DESIGNATION (Gonzales, A.) To designate September as "We Card Month."

307

HB LICENSE FEES (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

336

HB SCHOOL BUS DRIVERS (Ginter, T.) Regarding medical examinations for school bus drivers.

338

HCROIL MARKETS (Thompson, A.) To urge the Congress of the United States and the President of the United States to take certain actions to counter manipulation of the oil market by the Organization of Petroleum Exporting Countries (OPEC).

16

COMMITTEE HEARINGS

Ways & Means

HB COLLEGE TEXTBOOKS (Duffey, M.) To exempt from sales and use tax textbooks purchased by post-**337** secondary students. (CONTINUED; 2nd Hearing-Proponent)

Several representatives of faculty and student groups spoke in support of the measure.

Beth Quitslund, associate professor of English at Ohio University and vice chair of the Ohio Faculty Council, which represents the faculty at all of the four-year public universities in the state, said a conservative estimation of several cost-saving measures proposed by OFC, including the tax exemption proposed in the bill, would result in annual savings of \$300 million in textbook costs to college students in Ohio.

The witness said textbook cost increases have greatly outpaced inflation - by four times - since 2006 and by 945% since 1978, resulting in "a significant impact on higher education costs."

"Student concerns about textbook costs have a direct impact on academic success. A 2017 survey of more than 1,000 students from four-year colleges in the US and Canada found that 85% had delayed or avoided purchasing textbooks for their courses even though half did so expecting that their grades would be negatively impacted by their decision," she said.

Ms. Quitslund said states that currently exempt textbooks from sales taxes are: Arizona, Connecticut, Florida, Hawaii, Iowa, Kentucky, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Dakota, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, and West Virginia.

"We strongly support the exempting of textbooks from Ohio's state sales tax and see that change as being an important means of making it easier for students at Ohio's public institutions of higher education to obtain a high-quality education at an affordable price," she said.

Daniel Palmer, chief justice of Wright State University's Student Government Association, and the executive director of the Ohio Student Government Association, reiterated some of the statistics cited by the prior witness as well as the concerns about the financial impacts on students.

"These steep price increases have directly impacted students in a negative manner, making the cost of obtaining an education even more expensive, and unrealistic for many students," he said. "Eliminating the sales tax on textbooks will make the cost of obtaining an education much more affordable and prove to be beneficial to the hundreds of thousands of students in Ohio."

Mr. Palmer said the bill would provide nearly instant relief to students. "Collectively, students spend between \$455 million and \$563 million on textbooks in Ohio annually," he said. "Making college textbooks tax-exempt would benefit students' pocketbooks between \$23 million and \$26.2 million each year."

Rep. John Rogers (D-Mentor-on-the Lake) asked about the potential for leasing books. The witness noted that in some cases students have to buy online codes to get access to course materials - a factor that adds to the cost burdens.

Kate Greer, director of academic affairs in the Undergraduate Student Government at Ohio State University, said the average student at OSU spends about \$1,200 per year on textbooks and learning materials. The annual expense is on top of costs related to tuition, fees, and room-and-board expenses, she said.

"According to the Student Public Interest Research Group, \$1,200 is also the national average amount spent on supplemental learning materials. While students often receive various forms of financial aid to help alleviate basic costs of university life, they typically pay for textbooks with money from their own pockets, an expenditure that leaves student struggling to afford day-to-day necessities - eating, laundry, and school supplies, to name a few," she said.

Rep. Derek Merrin (R-Maumee), citing issues with being able to access required textbooks, said institutions should strive to make them more available in libraries.

Liz Webb, an OSU freshman and member of USG, also testified in support, prompting a question from Rep. Gary Scherer (R-Circleville) about problems with professors requiring certain editions of textbooks that sometimes cost much more than prior versions.

The witness said she has purchased the wrong textbook edition but her professor said it was usable and was willing to work with her on updated materials. Having the proper edition may be more beneficial in some circumstances involving more technical subject matter that requires more frequent updates, she said.

Julia Dennen, representing the Undergraduate General Assembly, also spoke to the burden of extensive student loans and other financial challenges.

Submitting written testimony in support were: Richard Hershman, of the National Association of College Stores, Dan Kane, of the Ohio Faculty Council, and C. Todd Jones, of the Association of Independent Colleges and Universities.

HB PROPERTY VALUES (Merrin, D.) To require local governments that contest property values to formally **343** pass an authorizing resolution for each contest and to notify property owners. (CONTINUED-AMENDED; 5th Hearing-Possible amendments)

Rep. Merrin, the bill sponsor, won support for a multi-faceted amendment that includes several changes he outlined in the committee's prior hearing.

The components of the amendment: base requirements in the bill on ownership of parcels versus individual parcels; allow for notices to be sent via regular or certified mail; clarify that if an owner is misidentified in a complaint then it can't be dismissed as having a "fatal flaw"; and clarify that municipality complaints require approval of the city's legislative body.

Written testimony was submitted by Hamilton County Recorder Norbert Nadel, a proponent, and Cuyahoga County Board of Revision Administrator Shelley Davis, an interested party.

"House Bill 343 provides fairness and transparency by requiring proper notification to property owners before a property tax complaint is filed with the Board of Revision to raise property values," Mr. Nadel wrote. "Elected school board members should be held accountable for attempting to raise property taxes, not just their attorney."

Ms. Davis outlined what she described as several "obstacles" the bill presents for county BORs.

"I respectfully ask that this committee consider the impact to the County Auditors and the additional burden placed on the Boards of Revision in all 88 counties," she wrote.

HB PROPERTY TAX (Merrin, D.) To exempt from property taxation the increased value of land subdivided **371** for residential development until construction commences or the land is sold. (CONTINUED-AMENDED (No testimony); 5th Hearing-Possible amendments)

Rep. Merrin amended the bill with language that he said: places 10-year cap on the exemptions; clarifies that the frozen property value is based on "fair market value" as determined by county auditors and not current agricultural use value; replaces wording to describe unexempted value versus ascribed value; adds an LSC technical change; and states that nothing in the bill should be construed to run counter to normal appraisal principles.

Rep. Michael Henne (R-Clayton) asked whether using market value was sufficient and whether the exemption should be pegged to an "unplotted land" value. The sponsor said he had worked with LSC on the language and was comfortable with the legalities involved.

Financial Institutions, Housing & Urban Development

HB UNCLAIMED FUNDS (Reineke, B.) To exempt certain open-loop prepaid cards, closed-loop prepaid 353 cards, and rewards cards from the Unclaimed Funds Law. (**REPORTED-SUBSTITUTE**; 5th Hearing-All testimony-Possible amendments & vote)

The committee voted unanimously to report the bill after accepting a substitute version that Rep. Bill Reineke (R-Tiffin) said made clarifying changes. One change was made at the request of the Department of Commerce to ensure gift cards could not be redeemed for cash. (Comp Doc)

HB DEBT ADJUSTING (Seitz, B.) Regarding debt adjusting. (**CONTINUED-SUBSTITUTE** (See 182 separate story); 4th Hearing-All testimony-Possible substitute & vote)

HB CREDIT FREEZES (Henne, M., Kelly, B.) To modify the fees that a credit reporting agency can charge 386 in relation to a credit report freeze. (**CONTINUED**; 3rd Hearing-All testimony)

Kalitha Williams, policy liaison for asset building at Policy Matters Ohio, said eliminating the fees for freezing and unfreezing credit reports would help protect consumers from identity theft.

Freezing a credit report, she said, is the best way to protect victims of security breaches by making it difficult for others to open credit accounts, get jobs, cars or housing in the victim's name.

"Consumers should have control over the credit reports without paying excessive fees," she said. "While victims of identity theft can freeze their credit report for free, the current statute allows each credit bureau to charge Ohioans up to \$5 for each action (freeze, temporary unfreeze, and permanent unfreeze)."

Credit bureaus should not be allowed to profit from consumers freezing credit after data breaches for which they are responsible, she said.

Ms. Williams said she supported a proposed amendment that would ensure consumers can request freezes by mail, telephone or secured email.

"The current statute requires consumers to make the requests through certified mail," she said. "We believe this is an unnecessary burden on consumers and none of the major credit bureaus require this."

Jim Davee, a victim of identity theft, said being a victim meant he was able to freeze and unfreeze his credit without having to pay a fee.

"In 2012 under Ohio law, I could freeze and unfreeze my credit history at no cost for the rest of my life, but only because I was already a victim," he said.

Credit agencies should be held responsible for their data breaches and that consumers should have the ability to protect their data easily, he said.

"The information being collected by these agencies that makes up my credit history is mine and mine alone, generated when I engage in consumer activity," he said. "I don't do business with any of the three agencies, I have no contract or agreement with them, yet they have my credit history and are allowed by the laws of Ohio to let me protect it at no cost only after I've been victimized."

Rep. Andy Brenner (R-Powell) said he was concerned someone else could maliciously freeze a person's credit.

Mr. Davee said he wasn't concerned with that because the credit bureaus issue unique identification numbers and notify people of freezing and unfreezing activity.

HB FORCIBLE ENTRY (Merrin, D.) To clarify how to calculate certain timelines under which a forcible 390 entry and detainer action must occur. (**CONTINUED**; 3rd Hearing-Opponent)

Joe Maskovyak, affordable and fair housing coordinator for the Coalition on Homelessness and Housing in Ohio, said the proposal could lead to more evictions being filed, causing more homelessness and housing insecurity.

He pointed to court decisions that have said the state should exclude weekends from the three-day count for an eviction because the purpose of the rule is to give tenants a chance to leave the premises without an eviction action filed.

"Certainty can be provided. The bill could make explicit that intervening weekends and holidays shall not be counted," he said. "This approach provides certainty as well as fulfilling the purpose of the notice: to allow the tenant time to avoid an eviction action being filed."

Chairman Rep. Jonathan Dever (R-Cincinnati) said the three-day notice would be for the tenant to pay their rent, not to vacate the property, as the landlord would then have to file the eviction and a judge would set the eviction date.

Mr. Maskovyak said the third day would be the deadline for when the tenant could leave before an eviction notice is filed, not before they would be forced out.

Rep. Dever said the bill would provide clarity as to what constitutes a day.

Mr. Maskovyak said clarity could be provided by having a bill that excludes weekends and holidays instead of including them.


Rep. Scott Wiggam (R-Wooster) asked if the concerns were just about giving tenants more time to avoid paying rent.


Mr. Maskovyak said it would give tenants more time to make a good decision.


"A landlord can damage a tenant by filing an eviction action that has no basis in fact," he said.

Rep. Wiggam said the proposal would ask others to pay more for rent to cover the costs of those who choose not to pay rent.

Finance

HBBROADBAND EXPANSION (Carfagna, R.) To establish the residential broadband expansion program **281** within the Development Services Agency to award matching grants for last mile broadband expansion in  municipal corporations and townships and to make an appropriation. (CONTINUED-SUBSTITUTE (See separate story); 3rd Hearing-All testimony-Possible substitute)

HBDATAOHIO BOARD (Duffey, M., Hagan, C.) To create the DataOhio Board, to specify requirements for **3**  posting public records online, to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, to establish an online catalog of public data at data.ohio.gov, to establish the Local Government Information Exchange Grant Program, and to make appropriations. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

HBSCHOOL FUNDING (Brenner, A.) To replace locally levied school district property taxes with a statewide **102**  property tax and require recipients of certain tax exemptions to reimburse the state for such levy revenue lost due to those exemptions; to increase the state sales and use tax rates and allocate additional revenue to state education purposes; to repeal school district income taxes; to require the Treasurer of State to issue general obligation bonds to refund certain school district debt obligations; to create a new system of funding schools where the state pays a specified amount per student that each student may use to attend the public or chartered nonpublic school of the student's choice, without the requirement of a local contribution; to eliminate the School Facilities Commission; to eliminate the Educational Choice Scholarship Pilot Program, Pilot Project Scholarship Program, Autism Scholarship Program, and Jon Peterson Special Needs

Scholarship Program; to eliminate interdistrict open enrollment; to require educational service centers to transport students on a countywide basis; and to permit school districts to enter into a memoranda of understanding for one district to manage another. **(CONTINUED; 2nd Hearing-Proponent)**

Ron Adler, president of the Ohio Coalition for Quality Education, said the bill will modernize school busing in the state by creating countywide transportation districts led by the state's 52 Educational Service Centers.

"It's been 50 years since the Ohio legislature passed the Fair Bus Bill. Since then, with more than 600 school districts, 376 community schools and hundreds of private schools, transporting students efficiently and safely has become more and more difficult," he said.

Currently, there is a "turf war" related to busing because school districts must provide transportation for students who attend charter and private schools, Mr. Adler said. Removing the responsibility from traditional schools could lessen the divide.

"It has the potential to create a system that would correct many of today's transportation problems. Ohio students and their parents deserve that," he said.

The bill will also benefit Ohioans by removing the reliance on property taxes to fund education, which has led to inequities in education across the state, said education policy analyst Beth Lear.

"HB102 reopens a conversation that is desperately needed. Fixed income home owners are finding it more and more difficult to remain in their homes as their property taxes skyrocket and home values have started climbing again," she said, adding that the Ohio property taxes have increase 264% on average since 1980, despite stagnant wages.

Under the bill, education would be funded through a 1.6% increase in the state sales tax. A constitutional amendment that would have to be approved by voters could ensure that the revenue would be sent to schools.

Rep. Dan Ramos (D-Lorain) said he's worried that increasing the sales tax will disproportionately impact low-income Ohioans and in particular those who rent or live in subsidized housing and don't pay property taxes.

"It might end up making the poor poorer which would affect educational outcomes," he said.

Ms. Lear said those who do pay property taxes will likely see a decrease in taxes or will pay an equivalent amount of taxes after the proposed sales tax takes over covering education costs. It's also possible rental rates would steady because owners wouldn't be paying as much in property taxes, she said.

Rep. John Patterson (D-Jefferson) also raised concerns about increasing the sales tax, saying border counties are already losing business to other states with lower rates.

Meanwhile, Rep. Mike Duffey (R-Worthington) said he's leery of language that prohibits districts from collecting any property taxes.

"I do not see how that could possibly actually occur in real life because what will happen is that districts will raise money privately," he said, suggesting that residents who want to support their district will give to education associations and other non-profit groups associated with the school.

Douglas Mead, director for the Toledo School for the Arts, and Thomas Babb, CFO and founding member of Constellation Schools, said they're supportive of the measure because base state funding would be allocated to any school a student chooses to attend.

Currently, charter schools often receive less per-pupil funding than traditional schools and can't go to voters for a levy, Mr. Babb said. His own schools receive half the amount of funding as surrounding traditional schools.

"Unless we receive a serious increase in our funding, we will continue to struggle to provide the education that our children deserve," he said.

HB BROADBAND GRANTS (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant **378** Program and to make an appropriation. (CONTINUED (See separate story); 2nd Hearing-Proponent)

State & Local Government

HB STATE FLAG (Stein, D.) To create a suggested ceremonial procedure for retiring an Ohio state flag. **359** (REPORTED; 3rd Hearing-All testimony-Possible vote)

Brandon Tolle, a sophomore at Lorain County's Columbia High School, testified in support. A member of Boy Scout Troop 176, Mr. Tolle said he was promoting the bill as part of his Eagle project.

"This bill is important because it gives ceremonial guidelines for retiring our state flag," he told the panel. "Through this bill, the Ohio State flag will be able to be properly and officially retired. This bill will give Ohio something that many other states already have, and it allows the average person to respectfully retire the flag that represents not only them, but the great state we live in."

Mr. Tolle said he has participated in flag retirement ceremonies where the Ohio burgee was retired after a few words were said.

HB STATE SEAL (Perales, R.) To add a representation of the Wright Brothers' first piloted airplane to the Coat **370** of Arms and Great Seal of the State of Ohio. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

Tory Richardson, president of the Ohio Aviation Association, submitted written testimony in support.

HBROAD IMPROVEMENTS (Greenspan, D., Ryan, S.) To allocate one-half of any surplus revenue to a new **415** Local Government Road Improvement Fund, from which money will be distributed directly to local governments to fund road improvements. (CONTINUED; 2nd Hearing-All testimony)

Heidi Fought of the Ohio Township Association and Dean Ringle of the County Engineers Association of Ohio each testified in support.

Ms. Fought said the measure would provide additional funding for local government roadwork, noting that the number of people living in rural areas, and the resulting traffic, has increased significantly in the last 50 years.

"While traffic on township roads has increased, revenue for transportation improvements has remained stagnant, reduced or even eliminated," she said. "For townships, this includes the reductions in Local Government Fund revenue, the elimination of the estate tax in 2013 and the accelerated phase out of Tangible Personal Property tax and electric deregulation reimbursements."

"Additional money is imperative for townships to sufficiently maintain and service safe roadways for their residents and the countless individuals that travel on them," Ms. Fought added.

Mr. Ringle said the bill would help generate funds for local governments that face "big financial hurdles that are impeding them from repairing faulty bridges, maintaining roads, building new transit lines and simply maintaining the existing infrastructure so it remains safe and efficient."

He said the bill boosts local infrastructure revenue without raising taxes or fees, helps align the financial interests of the state and local governments, boosts potential job development and economic growth and establishes a recurring return on investment.

"One of the most attractive benefits of public investments in transportation infrastructure is it creates tangible capital assets that are long-lived," he said. "In addition to creating jobs and generating tax revenues throughout

the economy during the construction cycle, these investments provide infrastructure improvements that foster and facilitate continuing economic growth over many years beyond the initial investment.

Brad Cole of the County Commissioners' Association of Ohio also offered written proponent testimony.

HB SICK DAYS (Merrin, D.) To make changes with respect to the number of sick days provided to public **298** employees. (CONTINUED; 1st Hearing-Sponsor)

Rep. Derek Merrin (R-Maumee) said his bill would eliminate a state mandate that requires local government officials to receive 15 sick days per year, lowering that number to ten days, which matches benefits provided to state employees.

"All state employees receive 10 sick days per year, while many local government employees receive an excessive 15 sick days per year (3 weeks)," the lawmaker said. "This legislation makes 10 sick days per year the standard across the board, which would affect county, municipal, civil service township, school district, and university employees."

The change, he said, would create equality among state and local government employees and includes provisions that block collective bargaining agreements from requiring more than ten sick days.

The sponsor said the 15-day allowance boosts local government operating costs, and said the cost is driven largely by overtime costs that local governments pay workers who come in to substitute for people who take sick time.

"You will be hard pressed to find any private-sector business that provides 15 sick days annually," he added. "Many Ohioans working in the private sector are not provided a single sick day. However, they are forced to have their taxes pay for government employees to have 15 sick days annually. Is that fair to the average hard working Ohioan? I think not."

Mr. Merrin told Chair Rep. Marlene Anielski (R-Walton Hills) he expects the bill would save tens of millions of dollars on a statewide basis.

Rep. Mike Ashford (D-Toledo) said he would like to see data to support the sponsor's theories on sick time, including information that shows if there has been any abuse of sick leave.

Mr. Merrin said performance audits issued by the state auditor's office have flagged concerns about sick time usage, but the state law established in the 1940s blocks local officials from making significant changes.

He said local governments are even unable to consider sick time as personal time. "All we're trying to do is lessen the mandate," he said.

Responding to Rep. Janine Boyd (D-Cleveland Hts.), Mr. Merrin said he has heard opposition about the bill from local government employees. He said local government managers have suggested that the proposal would be helpful.

Ms. Boyd also asked how the bill would affect local employees who have chronic and debilitating health issues.

Mr. Merrin responded that state employees - including legislative staff - currently receive 10 sick days. Suggesting that ten days isn't enough, he said, suggests that the state benefits package is unfair.

Rep. John Becker (R-Union Twp.) questioned whether a move to a more general paid time off standard would be more helpful.

Rep. Merrin said that is ultimately likely where the policy should go.

HB DEATH CERTIFICATES (Householder, L.) To allow a coroner to change the cause, manner, and mode of

146death in a filed death certificate only after a hearing in the court of common pleas. (**CONTINUED-AMENDED (No testimony)**; 3rd Hearing-All testimony-Possible amendments)

Rep. Steve Hambley (R-Brunswick) won support for an amendment that requires common pleas courts to notify county prosecutors and a decedent's next of kin if a hearing has been set to change the cause of death. The amendment also allows a change in the cause of death once within eight weeks after the death.

Education & Career Readiness

HBFINANCIAL LITERACY (Hagan, C., McColley, R.) To require one-half unit of financial literacy in the **108**high school curriculum, to require the Chancellor of Higher Education to prepare an informed student document for each institution of higher education, to require the State Board of Education to include information on the informed student document in the standards and model curricula it creates for financial literacy and entrepreneurship, and to entitle the act the "Informed Student Document Act." (**CONTINUED-AMENDED**; 4th Hearing-All testimony-Possible amendments)

The committee accepted an amendment that Rep. Christina Hagan (R-Alliance) said creates standard definitions of full-time students, protects institutions from liabilities related to the informed student document and removes redundancies of reports.

Another amendment added to the bill encourages complete of the FAFSA at the completion of the course, she said. The change was proposed by the attorney general's office.

Robert O'Donnell, a business education teacher and president-elect of the Ohio Business Teachers Association, said there are 2,000 students in his school and just 60 signed up for an elective financial literacy course this year.

The class is important, however, which is why he believes it should be mandatory, he said in written testimony.

"Students do not like to take courses which will take a lot of work as an elective such as business courses. They want a course which is an easy A. An example may be weightlifting, fitness walking and pottery," he said. "Our students also have an option called 'senior options.' This means if a student has the required credits for graduation, they can come to school late and sleep in or leave school early."

Mr. O'Donnell said most students in his class said when beginning the semester they were not informed about interest rates, credit scores, obtaining insurance, payday lending and more.

HBSEXUAL ABUSE (Hagan, C., Ramos, D.) With respect to age-appropriate student instruction in child **377**sexual abuse and sexual violence prevention and in-service staff training in child sexual abuse prevention. (**CONTINUED**; 2nd Hearing-Sponsor & proponent)

Rep. Christina Hagan (R-Alliance) said the bill honors Erin Merryn, who was the victim of sexual abuse when she was a child and has since shared her story across the nation.

She has pushed to ensure children are made aware of inappropriate behavior and abuse as well as who they should turn to for help, Rep. Hagan said. Under the legislation, schools would be able to provide age-appropriate instruction on sexual abuse prevention in grades K-6.

"In light of sexual violence that occurs at all ages and in cases, as recent to Ohio as the 2012 Steubenville High School rape case, students need resources to prevent such from reoccurring and also need to know there are resources available to help those whom have become the victims of sexual assault," she said. "This information is important because survivors are often discouraged from reporting sex crimes because of a lack for perceived support or fear of ridicule."

The bill has become law in 20 other states, Rep. Hagan added.

Rep. Kyle Koehler (R-Springfield) asked for examples of what the youngest children in schools would be taught about abuse. The sponsor said the Department of Education would create curriculum that schools would adopt

and parents would be able to view before the lessons begin.

She told Rep. Catherine Ingram (D-Cincinnati) that the bill does not include an opt-out provision because it's possible parents who are abusers could refuse to allow their children to attend the classes.

Khadijah Ali, president of the Exchange Club of Dayton, said she and her siblings were abused at a young age and it wasn't until she was older that she became aware of services and supports available to them.

"It is critical that children understand that they have resources and people they can trust with whom they can share information before adolescence, as we know that adolescents are unlikely to share information of this nature," she said.

"Schools may be the only venue to reach the majority of the most vulnerable children," Ms. Ali continued. "That is why it is essential that schools can be pro-active with this legislation. The state already recognizes their obligation to help children understand the other aspects of health, and this may be the most critical of these issues if not addressed."

Becky Perkins, communications director with the Ohio Alliance to End Sexual Violence, said while there are outward signs of abuse, it's often not easy to tell if a student is being abused. That's why it's important that they learn what's not acceptable and who to confide in, she said.

"Child victims are typically groomed by their perpetrators and made to feel that the abuse is their fault and that they deserved it," she said. "Some children are made to feel that the abuse is not abuse at all - that it's normal, healthy behavior between an adult and child. As a result, child victims very often feel too confused or ashamed to tell anyone, they feel that no one will believe them, or they fear getting in trouble or causing turmoil by telling."

One in four girls and one in six boys is sexually abused before their 18th birthdays, Ms. Perkins added. Each year, more than 500 reports of sexual abuse are substantiated in Ohio, however just 62% of children tell anyone about the crimes against them.

Sally Dyer, who also endured sexual abuse as a child, said there is an array of impacts from abuse if left alone. Her sister, who was also abused, committed suicide later in life because of mental and emotional damage caused by her abuser, Ms. Dyer said.

Action Ohio Coalition for Battered Women and OffenderWatch Initiative provided written testimony in support of the legislation.

HBCLASSROOM FACILITIES (Boccieri, J., Rezabek, J.) To require the Ohio School Facilities Commission **246**to provide funding to certain county boards of developmental disabilities to assist in the acquisition of classroom facilities. (**CONTINUED-SUBSTITUTE**; 2nd Hearing-Proponent-Possible substitute)

The committee accepted a substitute measure that Rep. John Boccieri (D-Poland) said, among other things, would: clarify that only K-12 programs will be available for funding; details ranking for assistance and local match based on ranking; specifies that at least one DD facility will receive funding each year; and retains the maintenance payment of 1.5% of current insurance value of facilities required by OFCC for DD boards accepting funds. (Comparison Document)

None of the 45 counties in the state operating school programs for students with developmental disabilities are eligible for Ohio Facilities Construction Commission funding, despite providing services and supervision for students in the same way traditional programs do, said Bridget Gargan, the executive director of the Ohio Association of County Boards of Developmental Disabilities.

Under the bill, OFCC would have to set aside 2% of its classroom facilities funds for school programs operated by county developmental disability boards.

"County boards of developmental disabilities are unique among Ohio's public human services agencies and schools in that they are responsible for supporting people in every stage of their lives. No other agency or school has this lifetime requirement," Ms. Gargan said. "Because of this, county boards need to ensure that they are always maximizing available funds and using their limited resources in the most efficient and effective manner."


Bill Whitacre, superintendent of the Mahoning County Board of Developmental Disabilities, said the funds could be used to renovate facilities to make them safer or update technology that's become available in recent years to better help developmentally disabled children learn.

"These funds would allow every county board that operates a school to enhance the education of the children in their county, thus promoting a more well-rounded educational experience for all students," he said in written testimony.

Jo Spargo, vice chair of the Ohio Developmental Disabilities Council, also asked the committee to advance the measure.

"The DD council acknowledges that many families have advocated for classrooms that are fully inclusive of children with developmental disabilities. The council also recognizes there are families who feel they need to send their child to a specialized school operated by their county board of developmental disabilities in order to ensure their care," she said in provided testimony.

"For those families who have chosen a county board operated school, they deserve access to top notch classroom facilities that children who are attending other public schools have. However, current law does not recognize that county boards of developmental disabilities schools are in fact education facilities eligible for financial support from the Ohio Facilities Construction Commission."

HB BULLYING (Greenspan, D.) To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school **360** discipline and bullying and hazing policies at public schools and public colleges. (**CONTINUED**; 3rd  Hearing-Opponent & interested party)

Nicole Clum, with the Ohio public defender's office, shared concerns that the bill "will further contribute to the school- to- prison pipeline that is currently plaguing Ohio's youth."

"All too often children who struggle with their behavior are pushed from the school into the criminal justice system before they have a chance to mature into successful adults," she said.

The bill may do just that because it could result in students being suspended from school if they're bullying others, she said. On the first offense, students can receive in-school suspension for up to 10 days.

"A youth who is acting out is likely suffering from personal issues of their own. A better approach would be to address the underlying issues causing that child's behavior, educate that child about bullying, speak to their guardian, or consider counseling for that child," Ms. Clum said.

Other concerns with the bill are related to provisions that require schools to investigate bullying - but not find culpability beyond a reasonable doubt before imposing punishments - and increase criminal penalties for hazing.

Ron Adler, president of the Ohio Coalition for Quality Education, described the legislation as "overly burdensome" for charter schools, where students often enroll to escape bullying.

The bill, he said, places a handful of requirements on schools that would cost them time and money. Among them are those requiring schools to investigate complaints and provide guidance counselors.

"HB360, while clearly intended to help victims and limit harassment, is not affordable for charter schools and I suspect it will not be affordable for traditional districts either," he said.

Instead of focusing on punitive and investigatory routes, Erin Davies, executive director of the Juvenile Justice Coalition, said research shows bullying may be best dealt with through prevention initiatives.

"HB360 in its current form relies on more punitive measures - including out-of-school suspensions and expulsions and higher offense levels for hazing - that actually may raise tensions in schools and further a cycle of negative behaviors," she said.

"Instead, we believe that any bill addressing bullying should focus on how to create a positive school climate that provides more support for students and builds leadership and relationships between students and adults - all of which align with adolescent development research on what works effectively to reduce bullying."

Criminal Justice

HB COUNTERFEITING (Perales, R.) To create the offense of counterfeiting and to include counterfeiting **405** within the definition of "corrupt activity" under the Corrupt Activities Law. (CONTINUED; 2nd Hearing-Proponent)

Mike Weinman, director of government affairs for the Fraternal Order of Police of Ohio, said the legislation addresses ambiguity in current law.

"From a patrol officer's perspective current law is difficult to apply when called out to a convenience store on a report of an individual trying to pass counterfeit currency," he said. "It isn't any easier for detectives when working cases that become complicated because of the myriad of laws that may apply."

Brandon Standley of the Bellefontaine Police Department echoed those sentiments.

The bill "will make it easier and less confusing for local law enforcement agencies to pursue counterfeiting charges against those who are perpetrating such crimes without necessarily needing to coordinate with the United States Secret Service. By passing this legislation, agencies across Ohio will benefit by being able to simplify local charges and pursue criminal enterprises more effectively," the current president of the Ohio Association of Chiefs of Police said in written testimony.

Mr. Standley said counterfeiting is on the rise with increased drug use in the state.

"This is made possible by criminals simply purchasing color printers and good paper, then making fake bills to spread into the local economy," he said. "These bills, if not all collected simultaneously, then spread across transactions. This then makes it harder and harder to protect our communities of such a scheme. Each time a fake bill passes through, the number of victims increases."

Kevin Dye, resident agent in charge of Dayton's Secret Service Office, said in the past year, 85% of counterfeiting cases have been connected to the drug trade.

Rep. Bernadine Kent (D-Columbus) asked if the use of debit and credit cards has reduced counterfeit activity.

"Counterfeiting as a whole has gone up dramatically," he responded.

HB MASKED INTIMIDATION (Lang, G., Seitz, B.) To create the crime of masked intimidation, a **423** misdemeanor of the first degree. (CONTINUED; 1st Hearing-All testimony)

Sponsoring Rep. George Lang (R-West Chester Twp.) said the legislation is in response to recent protests involving participants wearing masks. He said because people have their face concealed, it is difficult to hold those who cause disruptions accountable.

"A few months ago, Butler County Sheriff Richard Jones reached out with concerns that if demonstrators are wearing masks it becomes difficult for law enforcement to identify who initiated the unrest. After speaking with the Sheriff, we instructed LSC to research this issue. LSC found that currently, Ohio prohibits the commission of a crime when wearing a mask by providing a penalty enhancement," he said.

The legislation would provide the same penalty enhancement for those wearing masks that purposely obstruct law enforcement, intimidate someone performing a legal duty or prevent someone from exercising their constitutional rights.

"This, in turn, would allow law enforcement to do their job, and keep everyone safe before demonstrations devolve into violent confrontations. Similar laws have already been passed in 11 other states and the District of Columbia, and this legislation is virtually verbatim of the law in Massachusetts," he said.

In response to a question from Rep. Dorothy Pelanda (R-Marysville), Rep. Bill Seitz (R-Cincinnati), a co-sponsor of the bill, said the measure is designed to allow police to defuse tense situations like the one that cropped up in Charlottesville this summer.

SBHUMAN TRAFFICKING (Kunze, S., Oelslager, S.) To allow a person who is found not guilty of an offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (CONTINUED (See separate story); 3rd Hearing-All testimony-Possible substitute & vote)

HB 389 DEATH PENALTY (Antonio, N.) To abolish the death penalty. (CONTINUED; 1st Hearing-Sponsor)

Sponsoring Rep. Nickie Antonio (D-Lakewood) said much has changed since the last time she testified in support of abolishing the death penalty, including the resumption of executions in Ohio.

"No execution brings back a loved one, and we as a society must be better than our worst criminals and our flawed system. I join a growing call to end the death penalty in our state," she said.

Rep. Antonio also highlighted racial and geographic bias in the application of the death penalty in Ohio.

She also noted that since 1976, nine men have been exonerated from death row in Ohio.

"On average, the men exonerated from Ohio's Death Row spent over 21 years wrongfully imprisoned. Three of those exonerations happened in 2014," she said.

HBHUMAN TRAFFICKING (Dever, J., Gavarone, T.) To permit a person who is found not guilty or is the defendant in a dismissed case to apply for an expungement of the person's records in the case if the complaint, indictment, or finding of not guilty resulted from the applicant having been a victim of human trafficking, to permit a person convicted of certain prostitution-related offenses to apply for the expungement of any record of conviction of an offense, with certain exceptions, if the person's participation in the offense was a result of having been a victim of human trafficking, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (SCHEDULED BUT NOT HEARD; 3rd Hearing-All testimony-Possible substitute & vote)

HB UTILITY WORKERS (Rezabek, J., Greenspan, D.) To expand the offense of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility. (CONTINUED-SUBSTITUTE; 3rd Hearing-All testimony-Possible substitute)

In written proponent testimony, American Municipal Power and the Ohio Municipal Electric Association said the measure "seeks to protect utility workers serving the front lines of our nation's critical infrastructure and facing a dangerous work environment in order to sustain our modern society."

"Utility workers are often in direct contact with the public and have one of the most dangerous and unrecognized jobs there is today," they wrote. "In particular, electrical line workers often confront inclement weather, energized lines that are down, fire hazards, national security threats, and all manner of unfriendly circumstances associated with the disconnection of service for non-payment."

A substitute version of the bill offered by Rep. Jeff Rezabek (R-Clayton) was accepted. It adds a provision related to the use of deadly weapons, removes an enhancement to a fourth-degree felony menacing and provides additional clarifying definitions. ([Comp doc](#))

HB PAROLE MONITORING (Hughes, J., Boggs, K.) To provide for indefinite prison terms for first or second 365 degree felonies and specified third degree felonies, with presumptive release of offenders sentenced to such a term at the end of the minimum term; to generally allow the Department of Rehabilitation and Correction to reduce the minimum term for exceptional conduct or adjustment to incarceration; to allow the Department to rebut the release presumption and keep the offender in prison up to the maximum term if it makes specified findings; to require the Department to establish a reentry program for all offenders released from prison who it intends to have reside in a halfway house or similar facility but who are not accepted by any such facility; to require the Adult Parole Authority to establish maximum work-load and case-load standards for its parole and field officers and have enough trained officers to comply with the standards; to require that GPS monitoring used for offenders released from prison under such monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones; to require the Department to establish system requirements for GPS monitoring of such offenders by the Department or third-party contract administrators; to require the Department to operate a statewide database for law enforcement use containing specified information about such offenders; to require that third-party administrators for GPS monitoring under a new contract with the Department provide and use a law enforcement-accessible crime scene correlation program; and to name the act's provisions the Reagan Tokes Act. (**CONTINUED**; 4th Hearing-All testimony)

William Parker of American Court Services said GPS devices are meaningless without specific guidelines.

"The fundamental misconception about GPS devices is that once attached to a defendant's ankle, the people tasked with monitoring the individual will know the defendant's location at every moment and what the defendant is doing," he said.

"Put another way, there is a wide-spread belief that some authority is continuously watching the whereabouts and movements of a defendant wearing a GPS ankle monitor. Nothing could be farther from the truth. It is not the practice, nor is it practical for a probation or parole officer to continuously 'watch' with eyes glued to a computer screen 24-hours a day, seven days a week every defendant placed on an ankle monitor."

Effective restrictions, he said, include curfews, inclusion zones, exclusion zones and schedules.

"A GPS ankle monitor will not alert authorities unless it detects a curfew violation, non-compliance with a work or school schedule or that the defendant has traveled into a geographical area from which he or she been ordered to avoid," he said. "It is my belief that when courts impose appropriate restrictive behaviors it enhances our ability to effectively monitor defendants placed on electronic devices."

Rep. Nicholas Celebrezze (D-Parma) questioned how quickly such parameters can be changed.


Mr. Parker said that can be done almost instantly.

Rep. Laura Lanese (R-Grove City) asked what happens when a protocol is breached by someone being monitored.

That varies by jurisdiction, Mr. Parker said.

Lisa Defendiefer, deputy director of operations and advocacy for Capital Crossroads and Discovery Special Improvement Districts, said the measure will help to improve many current problems with the criminal justice system.

"Our state's rehabilitation and corrections system currently provides inadequate or non-existent reentry programs to violent offenders transitioning back to our communities and, as I understand, little or no proactive GPS monitoring," she said. "As a result, the offenders and our communities are set up for failure."

HBSEX OFFENSES (Hughes, J.) To increase the penalty for sexual imposition when the offender previously **96** has been convicted or pleaded guilty three or more times of any of several specified sex offenses and to  repeal the corroboration requirement for a sexual imposition conviction. (CONTINUED-SUBSTITUTE; 3rd Hearing-All testimony-Possible substitute, amendments & vote)

Before hearing testimony, a substitute bill offered by Rep. Dorothy Pelanda (R-Marysville) was accepted. Among the changes, substitute version of the bill classifies sexual imposition as a first-degree misdemeanor with a jail term of up to one year if the offender has three or more prior convictions of sexual imposition, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition or felonious imposition. (Comp doc)

Niki Clum, legislative liaison for the Public Defender, said the legislation will "further confuse an already overly intricate criminal code by creating a new unclassified misdemeanor that carries a jail term of one year."


"This would be a unique misdemeanor criminal offense in the Ohio Revised Code - as a misdemeanor of the first degree carries a maximum jail term of only 180 days. At risk of relying on a cliché, this is a slippery slope," she said. "Carving out these distinct offenses that carry their own unique penalties further confounds and complicates Ohio's criminal laws."

But Phyllis Carlson-Riehm of ACTION OHIO Coalition for Battered Women said the action of Lonnie Sturdivant highlight the need for the bill.

"Lonnie became known as the Columbus Groper after being arrested for grabbing a woman's buttocks in Panera Bread in the OSU campus area," she said in written testimony. "But, of course, this episode was not likely his first groping episode - it was simply the first time a victim caught him in the act and had the courage to file a charge. And in spite of subsequent charges and convictions, his groping episodes continued in a variety of locations - each providing him with unsuspecting females and opportunities to grope without being observed by witnesses."

Subscriber's Note: For full written testimony, see the committee's website under Dec. 12.


Public Utilities

HBUTILITY LAW (Romanchuk, M.) To require refunds to utility customers who have been improperly **247** charged, to eliminate electric security plans and require all electric standard service offers to be delivered  through market-rate offers, and to strengthen corporate separation requirements. (CONTINUED (See **separate story**); 4th Hearing-Opponent & interested party)

HB NUCLEAR ENERGY (DeVitis, T.) Regarding the zero-emissions nuclear resource program. **381**  (CONTINUED (See **separate story**); 1st Hearing-Sponsor)

Subscribers Note: For full testimony see the committee's website under Dec. 12.

Economic Development, Commerce & Labor

HB APIARY DAMAGES (Stein, D.) To grant specified apiary owners immunity in personal injury or **392**  property damage cases. (CONTINUED; 3rd Hearing-Opponent)

John Van Doorn, of the Ohio Association for Justice, said the legislation "creates a special set of rules for an exclusive set of people."

The bill aims to grant certain beekeepers immunity in personal injury and property damage cases, but Mr. Van Doorn said the problems the bill would address don't really exist. That's contrary to the claims of the Ohio State Beekeepers Association, which in backing the bill said it would create "comfort and security" for beekeepers.

"There is no liability crisis for beekeepers," Mr. Van Doorn said, adding that there has been just one lawsuit against a beekeeper that proponents have cited and in that case there was no way to find the person liable because it's impossible to tie the bee to that beekeeper.

He added that the bill's exemptions - which ensure liability remains for beekeepers engaged in "intentional tortious conduct or acts or omissions constituting gross negligence" - erect an "impossible legal hurdle."

"Rather than blowing a hole in Ohioans' constitutional rights...the Ohio State Beekeepers Association should work with the property casualty insurance industry or perhaps with one or two insurance companies to develop a rider for beekeepers that could be sold as part of a homeowner's insurance policy," Mr. Van Doorn said.

Sponsor Rep. Dick Stein (R-Norwalk) said that in addition to liability issues, the legislation is intended to raise awareness of beekeepers and the locations of hives.

In response, Mr. Van Doorn said, "My organization would submit that what we're looking at here is a fear that is irrational. That there are so few (lawsuits)... that it doesn't make sense to overturn one of our fundamental constitutional rights in order to address that single irrational fear."

Rep. Anthony DeVitis (R-Green) questioned whether the witness would be amendable to an amendment narrowing the focus of the bill to immunity for allegations or accusations of bee stings rather than entire spectrum of accidents. "What's very hard to prove in a court of law and would be a waste of many people's time is, 'I got stung by one of your bees,'" he said.

But Mr. Van Doorn questioned whether that would grant immunity to the owner of an improperly cared for hive that children stumble upon. Would the beekeeper be shielded if the hive collapsed onto the children and resulted in injury, he asked.

Rep. Stein said the beekeeper wouldn't because the bill requires the him or her to follow best practices and safety standards. Mr. Van Doorn said in response that those best practices aren't prescriptive and would have to be more regulatory in nature to be sufficient.

HB ROOFING CONTRACTORS (Patton, T.) To require commercial roofing contractors to have a license. **164** (CONTINUED; 3rd Hearing-Opponent)

Three stakeholders asked lawmakers to reject the proposal, which would require roofing contractors to be licensed.

Ezra Escudero addressed the panel on behalf of the LIBRE Initiative, which is affiliated with Americans for Prosperity and bills itself as the nation's largest free-market Latino grassroots organization.

He said that proponents' two main arguments for the bill - abuse by unscrupulous contractors and a need to keep up with technology - already have existing solutions. The Attorney General already has an approximately \$88 million budget for consumer protection and enforcement for bad actors, he said. And the marketplace incentivizes training schools and associations to offer adequate training.

"To impose this requirement through legislative fiat is another form of cronyism," Mr. Escudero said. "Far from benefiting the state of Ohio, this bill will only enrich special interest groups at the expense of everyone else.... This is a real tax, especially on the poor and the middle class, restored citizens, Latinos in Ohio, entrepreneurs with dreams and many others."

Rep. Brigid Kelly (D-Cincinnati) took issue with the witness's claim that consumers have adequate resources through Yelp and other online sites to judge contractors' work.

"If we only had to depend on online reviews this would be a very weak argument. I totally agree," Mr. Escudero said, citing the Better Business Bureau and industry certifications as other resources. "Not to forget there are still local and municipal requirements...so we have a robust system that is already there that helps consumers get information."

The witness told Rep. Alicia Reece (D-Cincinnati) that licensure tends to target low and medium paid trades and that the bill could particularly harm Latinos, which the LIBRE Initiative primarily supports.

Rep. DeVitis, agreeing that licensure can sometimes be a pain, said the process can be beneficial and questioned whether Mr. Escudero finds any merit in licensure.

"The short answer is I believe some licenses have value and I do not believe this one does for a couple different reasons," Mr. Escudero said. "There are more ways to demonstrate to a marketplace that a service provider has those skills and benefits than licenses."

Shane Allyne, president of Heartland Construction, described the legislation as an "unfair burden that adds unnecessary requirements" and said the market, not lawmakers, should make these decisions.

"First, the proposal lacks specific details about all the new requirements to obtain a roofing license, or how the governing body plans to arrive at these requirements," he said. "This brings up my second point: there is not enough opportunity for non-political roofing professionals to provide input on the criteria for licensing, which is made even more complicated by the fact that roofing is an ever-changing industry."


Jacob Krulcik, owner of a small contracting business, submitted written opposition.

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Senate Activity for Tuesday, December 12, 2017

INTRODUCED

SB TEACHER EVALUATIONS (Lehner, P.) With regard to teacher evaluations. Am. 3311.80, 3311.84, **240**3319.075, 3319.111, and 3319.112 and to repeal sections 3319.114 and 3319.58

SB NONPUBLIC SCHOOLS (Terhar, L., Thomas, C.) To establish a category of nonpublic schools called **241** "accredited nonpublic schools" and to prescribe requirements and exemptions for such schools. Am. 921.06, 955.43, 3301.07, 3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 3312.09, 3313.206, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133, 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and 5139.18 and to enact section 3301.165

COMMITTEE HEARINGS

Insurance & Financial Institutions

SB HEALTH PLAN CLAIMS (Huffman, M.) To require health plan issuers to release certain claim **227** information to group plan policyholders. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Matt Huffman (R-Lima) said the bill will help small businesses shop different health insurance providers by giving them and group policyholders access to certain claims information.

Under the current process, he said small businesses use insurance contracts from health insurers, which do not provide claims utilization data. That lack of information makes it difficult for employers to choose the best health care plan for employees' needs, he said.

"This claims data is needed by employers to promote high quality health insurance, yet insurance carriers often refuse to provide such information," he said. "Although insurers cite privacy issues, HIPAA categorizes claims data information as 'de-identified' information, meaning it neither identifies nor provides a reasonable basis to identify an individual."

Sen. Huffman said Texas and Louisiana have passed similar legislation, helping their small businesses make informed decisions about health coverage.

The bill is driven, in part, by small employers' recent experience with rising insurance costs, and that many companies want to offer the most efficient and lowest cost product they can, he said. That claims information can be important to shopping for insurance policies.

Sen. Huffman said the bill would not give employers information about employees' individual health conditions, as the claims data wouldn't include identifying information. That type of information release, he said, is allowed by federal health privacy laws.

The sponsor told Chair Sen. Jay Hottinger (R-Newark) that the bill requires the information to be released within 14 days, but said the key issue is that the information isn't currently available at all.

Sen. Bill Beagle (R-Tipp City) asked whether there are questions about who owns the claims data.

Sen. Huffman responded that data ownership isn't in question.

Sen. Bob Hackett (R-London) said he doesn't necessarily oppose the bill, but expressed concerns about making changes when federal health policy seems to be in flux. He also questioned whether the release of bad experience claims would lead to some employers getting hit with higher-cost coverage.

Sen. Huffman said simply receiving bad claims information wouldn't make an employer's rates less favorable. He said, however, that not having important information can lead to bad business decisions.

The sponsor told Sen. Sandra Williams (D-Cleveland) he doesn't know if the National Association of Insurance Commissioners has a policy on the concept.

Sen. Dave Burke (R-Marysville) questioned how having the information would help an employer negotiate rates if coverage options are largely pre-packaged.

Sen. Huffman said employers aren't likely to negotiate with insurers, but the information could also help companies decide if they are a good fit for association health plans.

Judiciary

SB ELDER FRAUD (Wilson, S.) To develop best practices and educational opportunities to combat elder fraud 158 and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (CONTINUED-AMENDED; 5th Hearing-All testimony-Possible vote)

Niki Clum, legislative liaison for the Ohio Public Defender, raised concerns about the fiscal impact of the bill.

She said administrative costs are likely to increase for county job and family services departments that are unlikely to be offset by an increased maximum fine.

"Whether the fine is \$50,000 or a lesser amount, it is unlikely that an indigent individual will have the means to pay any amount," she said. "Additionally, any funds that the individual can pay should be used as restitution so that the victim can be made whole. Therefore, SB158 will increase administrative costs to counties, and will not provide an income source to offset those costs."

A Legislative Service Commission technical amendment offered by Sen. Kevin Bacon (R-Minerva Park) was added to the bill.

SB GENITAL MUTILATION (Terhar, L., Lehner, P.) To prohibit female genital mutilation. 214 (CONTINUED; 1st Hearing-Sponsor)

Sen. Peggy Lehner (R-Kettering) said the procedure is most often performed on girls between the ages of 4 and 14.

"According to the World Health Organization, FGM has no medical benefits, and can actually cause several health problems. Complications such as excessive bleeding, infection, and extreme fever can occur immediately following the procedure," she said in sponsor testimony.

Sen. Lou Terhar (R-Cincinnati) said 26 states have adopted laws banning the practice.

"According to the AHA Foundation, Ohio has between 10,000 and 25,000 girls at risk of being forced to undergo this procedure," he said. "We know this is happening in Ohio and in our nearby states."

SB FIREARM LAWS (Uecker, J., Hottinger, J.) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. **(CONTINUED (See separate story); 3rd Hearing-All testimony)**

HBDATING PROTECTION ORDERS (Sykes, E., Manning, N.) To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. **(CONTINUED; 4th Hearing-All testimony-Possible amendments & vote)**

Sarah Wolf-Knight, advocacy coordinator at the YWCA Dayton, said in written testimony that current Ohio law is insufficient.

"Ohio is one of only two states to not include protections for those in dating relationships in our state statutes. Expanding this category to those in dating relationships would document ongoing abusive behaviors, address intimate partner violence earlier in relationships, and expand resources for those who experience dating violence," she wrote.

Ms. Wolf-Knight also said the legislation will remove a legal barrier for certain victims of domestic violence.

"Protection orders legally prevent contact between a victim and perpetrator. They can also grant child custody and require the perpetrator to relinquish any firearms. Protection orders work; they deter further violence and increase victim safety and peace of mind," she said. "Therefore, they should be available to all victims of intimate partner violence, regardless of one's relationship to their abuser."

Chairman Sen. Bacon said interested parties are working on a substitute version of the bill.

HBFIREARMS TRAINING (Retherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee. **(CONTINUED-AMENDED; 2nd Hearing-Proponent)**

An amendment offered by Sen. Matt Dolan (R-Chagrin Falls) clarified that EMTs can carry in SWAT situations only when approved by the law enforcement agency they are working with at the time.

Rep. Christina Hagan (R-Alliance) spoke of her brother who is a paramedic and often works in Columbus to serve on SWAT.

"What most don't know is that these medical professionals train shoulder to shoulder with their peers on the professional SWAT teams," she said. "I have spent time with our tactical training facility professionals in Alliance who are nationally recognized for their efforts. We discussed in great detail the need for this legislation with our officers who train alongside the nation's elite including the FBI."

Ajay Seth, a doctor who works with Canton SWAT, said he believes he should be able to carry a firearm when working with law enforcement.

"Prior to participating in a raid, I am able to carry a weapon under my CCW license. Presently I need to leave that weapon behind and partake in risky activities dealing with individuals in our society that have shown to use weapons towards other individuals. If needed, I must rescue individuals with gunshot wounds," he said. "It is very difficult at that time knowing that as you go into this battle zone that you are unarmed. Upon the

completion of my mission with the SWAT team I am then allowed to rearm myself with a weapon as I leave headquarters."

The panel also received written proponent testimony from representatives of the Columbus Division of Fire, the Colerain Township Public Safety Department, the Colerain Fire & EMS, the Liberty Township Fire Department, the Alliance Police Department Special Response Team and the City of Mansfield Fire Department.

HBPAULDING COURTS (Riedel, C.) To create the Paulding County Municipal Court in Paulding on January 2151, 2019, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Paulding County County Court on that date, to designate the Paulding County Clerk of Courts as the clerk of the Paulding County Municipal Court, and to provide for the election for the Paulding County Municipal Court of one full-time judge in 2018. **(REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)**

SB JUVENILE BINDOVERS (Thomas, C.) To eliminate mandatory bindovers and reverse bindovers, and 64 modify the rules and procedures regarding a discretionary bindover, of an alleged juvenile offender from a juvenile court to a criminal court. **(CONTINUED (See separate story); 2nd Hearing-Proponent)**

Subscriber's Note: For full written testimony, see the [committee's website](#) under Dec. 12.

Health, Human Services & Medicaid

SB CONTROLLED SUBSTANCES (Eklund, J.) To modify laws pertaining to the State Board of Pharmacy 229 and the regulation of controlled substances. **(CONTINUED; 2nd Hearing-Proponent)**

Steven Schierholt, executive director of the Board of Pharmacy, detailed the provisions in the bill designed to regulate controlled substances. The measure is designed as an update to the state's Controlled Substances Act, he said.

The bill would allow the board to act more quickly to designate drugs as controlled substances if they meet certain conditions. It reduces the criteria needed to make a compound a Schedule I substance on an emergency basis, matching the criteria used by the U.S. Drug Enforcement Administration.

The bill would not allow the board to schedule anything approved for use by the Food and Drug Administration, and it would still require an emergency order to be issued by the governor, but it would let the board meet via conference call to make the determination.

Mr. Schierholt said the proposal would also move the scheduling from statute to rule, enabling the board to more easily make changes and update the schedules.

Other provisions would shield the personal information of Pharmacy Board investigators and staff, make corrections to the 14-day limit on opioid prescriptions by ensuring it applies only to an initial fill and not to partially dispensed prescriptions, and would modify the licensure of office-based opioid treatment facilities.

The bill would exempt federally qualified health centers and correctional facilities from licensure as treatment facilities, as they already hold terminal distributor licenses, and would propose a ten-year lookback period for exclusion from employment in treatment facilities, allowing people who have had drug issues in the past to work at the centers.

"This legislation includes important reforms that will strengthen Ohio's efforts to address illicit drugs and implement needed reforms to assist the board in its mission to promote and protect the health and safety of all Ohioans," Mr. Schierholt said.

HB AWARENESS MONTH (Lipps, S.) To designate October as "Ohio Chiropractic Awareness Month." 196 **(REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)**

HB ABORTION (LaTourette, S., Merrin, D.) To prohibit a person from performing, inducing, or attempting to **214** perform or induce an abortion on a pregnant woman who is seeking the abortion because an unborn child has or may have Down Syndrome. **(REPORTED (See separate story); 1st Hearing-All testimony-Possible vote)**

HB CONFIDENTIAL TREATMENT (Huffman, S., Sprague, R.) To provide for the establishment of a **145** confidential program for the treatment of certain impaired practitioners and to declare an emergency. **(CONTINUED; 3rd Hearing-All testimony-Possible vote)**

Chairman Sen. Dave Burke (R-Marysville) said the committee would hold off on a vote and consideration of an amendment dealing with board consolidation issues until January.

Jimelle Rumberg, executive director of the Ohio Foot and Ankle Medical Association, wrote in support of the bill, saying it would support patient safety by getting impaired physicians the help they need.

"This 'one-bite' program contained in HB145 will provide these impaired physicians with early intervention and treatment assistance while protecting the public," she wrote.

SB COTTAGE FOOD PRODUCTION (Thomas, C.) To allow a cottage food production operator to use a **233** firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation **(CONTINUED; 1st Hearing-Sponsor)**

Sponsor Sen. Cecil Thomas (D-Cincinnati) said the bill would allow cottage food production operators to use firebrick ovens on patios at the operator's home.

He said the idea came from small business owners in his district who want to bake bread for their customers. They wanted to build an outdoor firebrick oven on their property, but current law prevents them from doing so.

The bill would allow for a firebrick oven used for cooking and located on a patio as another option for cottage food producers, he said.

"Now, I may not know a lot about baking artisanal bread, let alone running a bread baking business, but it is my belief that we should continue to work on increasing opportunities for our small businesses to thrive and excel as our markets change," the sponsor said.

SB 193 LONG-TERM CARE (Tavares, C.) To create a long-term care inspection committee. **(CONTINUED; 1st Hearing-Sponsor)**

Sponsor Sen. Charleta B. Tavares (D-Columbus) said the bill would create a long-term inspection committee to inspect long-term care facilities every five years.

"We must make sure that our older adult population is cared for and protected," she said.

She said studies have found that elder abuse cases are underreported.

Sen. Vernon Sykes (D-Akron) asked if long-term care facilities are currently inspected.

Sen. Tavares said they are inspected regularly, but those are announced inspections.

"This is about, first and foremost, health and safety, and that's why I want to make sure that we're doing all we can to make sure people are on their toes at all times," she said.

Government Oversight & Reform

SB CYBERSECURITY (Hackett, B., Bacon, K.) To provide a legal safe harbor to covered entities that **220** implement a specified cybersecurity program. **(CONTINUED; 1st Hearing-Sponsor)**

Sen. Bob Hackett (R-London), chief sponsor along with Sen. Kevin Bacon (R-Minerva Park), said the bill "would provide an incentive for businesses to achieve a higher level of cybersecurity through voluntary action, and to provide an affirmative defense to a lawsuit which alleges a data breach was caused by a business' failure to implement reasonable information security controls."

"In order to receive the benefit of the safe harbor, a business must create its own cybersecurity program. To provide guidance to businesses, S.B. 220 lists eight different industry-recognized cybersecurity frameworks which a business can follow when creating its own cybersecurity program. Businesses are only required to incorporate one of the frameworks into the business' cybersecurity program. Further, businesses are free to choose whichever framework best fits their information security controls," he said.

Sen. Hackett said the bill is scalable to the needs of a particular business given cybersecurity needs can vary. "In other words, the requirements of S.B. 220 would depend on the size and scope of each business," he said. "The legislation lists five factors which a business' cybersecurity program can depend on, such as the size and complexity of the business along with the resources available to the business. Additionally, each of the eight industry-recognized cybersecurity frameworks mentioned in the legislation are designed to be scalable as well."

"Finally, it is important to note that the legislation does not create a minimum cybersecurity standard that can be violated and consequently added to a lawsuit against a business owner. In fact, the legislation specifically states that the legislation shall not be read to impose liability on businesses who do not comply with the provisions within S.B. 220, Rep. Hackett said.

Chairman Sen. Bill Coley (R-Liberty Twp.) observed that the sponsors had built in flexibility for changing technologies as a result of interested party meetings.

SB ABORTION (Uecker, J.) Regarding final disposition of fetal remains from surgical abortions.
28 (CONTINUED; 2nd Hearing-Proponent)

Jessica Koehler, director of legislative affairs for Ohio Right to Life, and several other representatives of RTL groups, presented proponent testimony.

"For decades, Ohio has required the humane disposal of aborted remains. In a 2015 investigation, Attorney General Mike DeWine found that the disposal practices of several Ohio abortion facilities were anything but humane," she said. "I hope we can all agree that disposal in a landfill in no way reflects a culture that honors the dignity of the human person."

Ms. Koehler said the bill requires that "the unborn victims of abortion either be humanely buried or cremated. Additionally, it increases informed consent to mothers pursuing abortions by requiring full disclosure of the handling of their unborn child's remains."

"In protecting the dignity of the unborn child, we believe that this legislation will also preserve some of our own," she added. "Indeed, this legislation says just as much about our humanity as it says about the unborn child's."

Denise Leipold, executive director of Right to Life of Northeast Ohio, likened the disposal of aborted remains to mass graves of Jews in World War II and of victims in Bosnia during the civil war in that country.

"It sickens me that I am here to testify about what we are to do with the remains of the unborn children that we legally allow mothers to kill. It sickens me that our laws are more concerned with what to do with their bodies after we let them be killed rather than protect them while they are alive," she said. "How ironic is it that in this bill, mothers who are about to kill their children are given the choice of whether to bury them or cremate them so that they can humanely dispose of the child whose life they are about to inhumanely end?"

Ms. Leipold said the bill is "not a political agenda against abortion, as Planned Parenthood executives have stated. This law instead is to deal with the tragic aftermath of abortion created by those who have such little

regard for the humane treatment of the unborn child while it is still alive."

Barry Sheets, representing the Right to Life Action Coalition of Ohio, listed the new restrictions in the bill, saying his group worked with the sponsor and believes it will "give the clarity that has been noted as lacking in our statutes by our state's attorney general."

"Trafficking in body parts is illegal, but without the accountability established by the language of Senate Bill 28, Ohio may not be assured that these organizations are operating lawfully and transparently. Given that the U.S. Department of Justice has now launched an investigation into the matter, it is indeed time for the common-sense provisions of SB28."


Pegi Deeter, director of operations and abortion recovery services at PDHC in Columbus, cited her experience as a post-abortive woman in expressing support for the bill, saying it was "unsettling to receive the knowledge that fetal parts are disposed of as everyday refuse."

"In my experience as a peer consultant to hundreds of other post-abortive women, I can attest to the trauma women experience of not knowing where their children have ended up, or worse, the trauma of knowing that their children have been disposed of in an inhumane manner," she said.

"I fully support SB28 and the requirement to ensure that remains, even those baby remains who are lost due to voluntary abortion, must be disposed of either by cremation or burial and failure to humanely dispose of aborted remains will be considered a crime."

Paul Coudron, representing Dayton Right to Life, recounted how the remains of a baby were found in a garbage can near a clinic and the burial drew 400 people.

Written supportive testimony was submitted by Bethesda Healing Ministry, Lake County RTL and RTL of Greater Cincinnati.

HB CONCEALED WEAPONS (Wiggam, S., Holmes, G.) To modify the requirement that a concealed **142** handgun licensee notify a law enforcement officer that the licensee is carrying a concealed handgun when  stopped. (CONTINUED; 1st Hearing-Sponsor)

Rep. Scott Wiggam (R-Wooster) said in sponsor testimony that it was important to note how "dysfunctional" current law is currently as it relates to concealed handgun notifications.

"Today, if you are a concealed-carry holder, part of the safest demographic in the United States, and you do not promptly inform any officer who approaches you for a law enforcement purpose that you have your license and your handgun on your person, you are to be charged with a misdemeanor of the first degree," he said. "This is the same penalty criminals face when charged with petty theft or domestic violence."

Outlining the bill with main cosponsor Rep. Glenn Holmes (D-McDonald), Rep. Wiggam said it updates notification laws by: only requiring the licensee to "inform the officer who asks for state identification such as a driver's license instead of "promptly" alerting the officer; allows the licensee to either verbally notify or hand the license to the officer; and notify an officer at the same time the officer is presented identification.

The bill also eliminates the current penalty and replaces it with a minor misdemeanor and maximum fine of \$25, Rep. Wiggam explained.

Rep. Wiggam said the bill is the first that's pro-CCW related to clear the House with bipartisan key sponsorship.

Rep. Holmes said it aims to clear up ambiguities in state law, saying he has personal experience with a situation in which a law enforcement officer didn't believe they were informed "promptly" enough.

The bill, he said, aims to "ensure that these incidents are avoided in the future by specifying exactly when a concealed handgun licensee must notify the officer on hand - that is, immediately upon receiving a request for

identification from the officer."

The sponsors said the bill, which was changed from its original form to eliminate the notification requirement, is backed by Buckeye Firearms and the NRA and that the Buckeye State Sheriffs Association is neutral.

HBECONOMIC DEVELOPMENT (Hambley, S., Rogers, J.) To establish a Regional Economic Development **122** Alliance Study Committee to study the benefits and challenges involved in creating regional economic development alliances. (CONTINUED; 1st Hearing-Sponsor)

"Simply put, House Bill 122 would establish the Regional Economic Development Study Committee to investigate the benefits of creating metropolitan economic development alliances," sponsor Rep. Steve Hambley (R-Brunswick) said.

Collaborative metropolitan economic development has been shown to benefit all participating entities, the sponsor said. The committee would study the features, benefits, and challenges involved in establishing metropolitan economic development alliances that would incentivize cooperation, enhance success, and provide for greater efficiency in economic development among participating municipal corporations, namely in metropolitan areas. The committee may also consider the process and structure of such alliances and review legislative proposals. In completing its study, the committee shall consult with various groups, including county commissioners, township trustees, mayors, city council members, members of statewide and metropolitan organizations, and members of chambers of commerce.

Rep. John Rogers (D-Mentor-on-the Lake) said the committee "would be bipartisan and will consist of members from the Ohio House of Representatives, the Ohio Senate, a designee of the Governor, academic representatives, and a representative from the Regional Prosperity Initiative." Other groups have asked to be included as non-voting members, he said. The committee will submit a report of its findings within one year of the effective date of the bill.

"We want to stress that this bill does nothing more than create a study committee. Our companion bill, Senate Bill 97, sponsored by Senators LaRose and Yuko, creates the very same study committee. It creates no obligations for local governments," he said. "Furthermore, the study will show whether this program would be beneficial or unfavorable to Ohio. Action taken past the study would require different legislation."

The bill passed out of the House State and Local Government Committee unanimously, and passed the House with bipartisan support 91-6, Rep. Rogers concluded.

SB COSMETOLOGY LAW (Jordan, K., Tavares, C.) To make changes to the Cosmetology Licensing Law. **129** (CONTINUED; 2nd Hearing-Proponent)

Some 20 witnesses either testified or submitted written statements to the panel in support of the bill.

Tony Fiore, legal counsel of the Ohio Salon Association, said the bill stems from the work of the Future of the Beauty Industry Coalition, which for four years has been developing research from all 50 states. The FBIC is made up of cosmetologists, students, salon owners, manufacturers, distributors, and cosmetology schools, he said. "This group came together to provide reasonable reforms to state cosmetology law rather than simply deregulating the industry."

Mr. Fiore said the current state of salon training in the state calls for a legislative response. "We have a workforce development problem in the beauty industry in Ohio. Since May 2015, twenty-five percent of private schools of cosmetology have closed in this state and we expect more in the future. This is creating a significant shortage of qualified candidates across the state," he said.

Detailing the various aspects of the bill, he noted in part that it would require no more than 1,000 hours of training to obtain a cosmetology license compared to 1,500 today. Comparatively, he said, it takes 150 hours to

become an EMT-Technician, 695 hours to become a police officer, 900 hours to become an EMT-Paramedic, and 1,376 to become a Licensed Practical Nurse.

The witness also pointed to the reciprocity language in the bill as being beneficial.

"Reducing the amount of hours in Ohio and removing the requirement for those licensed in other states to take an Ohio exam increases the number of people eligible to come work in Ohio," Mr. Fiore said. "This will greatly increase the job providers' ability to fill open positions on border locations."

Many changes have been made to the bill to address concerns of opponents, he said.

Responding to a question from Chairman Coley, the witness said the hour requirements would not inhibit practitioners from getting jobs in other states, adding that New York, with its stringent requirements, is considered the Mecca of the beauty industry.

"We just want to make sure the state of Ohio is setting a floor and not a ceiling" in terms of requirements, he said.

Sen. Coley said research has indicated there could be reciprocity problems with other states under the bill. Mr. Fiore said he disagreed with that assessment, saying the hourly requirements mesh with what career-tech schools are mandating.

"We don't see that other states would not accept Ohio's license," he said.

Clara Osterhage, of R.L.O., Inc., a franchisee with 63 of 72 Great Clips salons in the state, focused on the hour requirements, license mobility across state lines and "shrinking pipeline" for licensees that the bill addresses.

Given that about half of licensees get 1,000 hours of training at career-tech schools and the other half 1,500 hours at private schools, she said, "At the end of the day, there is no discernible difference in the quality of the graduates from a technical aspect."

"The comparable value of the two school venues is further reinforced by the similar passage rates experienced on the cosmetology board exam. Both are prepared for the State Board examination, but neither are prepared to stand behind a chair and service the paying consumer," Ms. Osterhage said. "That readiness comes only from experience in a work environment that is capable of building technical skills and resulting levels of confidence. The school clinic floor is not a viable substitute. Equalizing the playing field by allowing both public and private students to achieve 1,000 hours of education prior to obtaining a license serves to permit both groups to begin their careers without additional costly educational barriers."

Regarding licensing mobility, the witness said, "Having salons that are located across state lines in Kentucky, Indiana, and West Virginia, I can say with confidence that we do not make it easy for the licensed cosmetologist to come to work in Ohio. I believe that all licenses should be treated with respect and should be endorsed across state lines without issue. Hair is Hair."

Ms. Osterhage said 17 private cosmetology schools closed in Fiscal Year 2017, underscoring the need to free up the licensing pipeline.

"The bottom line is that the pool of newly graduated candidates is shrinking for the nearly 10,000 licensed salons in Ohio," she said. "It will not be surprising if the trend in closures continues, and as a business owner, it is my obligation to be involved in finding options and solutions."

"SB129 creates an apprenticeship program as another option available to us. And while it will not be my desire to incorporate this concept into my own business unless the candidate pool dries up considerably more than it has, I think it is a necessary safety net that will allow salon owners to keep their doors open."

Brandon Ogden, director of the Ohio Small Business Council for the Ohio Chamber of Commerce, said the bill fits with his group's focus on addressing issues related to workforce development and business overregulation.

"The Ohio Chamber supports SB129 which addresses the concerns of salon owners across the state," he said. "The legislation harmonizes public and private education by reducing the licensure hours to 1,000."

"It is worth noting that this reduction in training hours is likely to attract cosmetology students to Ohio from surrounding states. It is critical that Ohio become more competitive than other states, as salon owners are beginning to cite workforce shortages. If the educational hurdles are not addressed soon, the increased workforce shortages within the industry could take several years, possibly even decades to reverse."

Mr. Ogden said the chamber also backs the apprenticeship program in the bill.

"Given the fact that dozens of cosmetology schools have closed in the past couple of years, this option could address the reduction of educational opportunities for prospective students," he said. "Apprenticeship programs also have the benefit of providing students with hands-on experience instead of an excessive amount of book work."

Among the numerous other proponents who submitted written testimony on the bill were members of the Ohio Board of Cosmetology, representatives of the Professional Beauty Association, Future of the Beauty Industry Coalition and Institute for Justice, and owners of several salons across the state.

SB FIREARM OWNERSHIP (LaRose, F.) Regarding a tenant of subsidized rental premises owning, using, or 234possessing a firearm, a firearm component, or ammunition within the tenant's residential dwelling unit.

■ **(CONTINUED; 1st Hearing-Sponsor)**

"This legislation is designed to prevent certain housing developments from infringing on Ohioans' Second Amendment rights," Sen. Frank LaRose (R-Hudson) said in sponsor testimony. "Currently, landlords of housing developments who accept federal assistance dollars can force residents to sign rental agreements banning the possession of firearms on the premises. This bill, if enacted, would prohibit such rental agreements from being forced upon people, thus protecting their constitutional rights."

This "necessary change," he said, would only affect housing developments which receive funding from one of the following federal assistance programs:

--The United States Department of Agriculture's Multifamily Housing Rental Assistance Program under Title V of the "Federal Housing Act of 1949."

--The United States Department of Housing and Urban Development's Housing Choice Voucher Program, the New Construction Program, and the Substantial Rehabilitation Program.

--The Moderate Rehabilitation Program under section 8 of the "United States Housing Act of 1937."

"It's important to note that landlords cannot be held liable for any incident involving a firearm that occurs on their premises," the sponsor said. "However, if they were to continue to implement and enforce similar rules on their property, tenants may seek damages and reasonable attorney's fees."

The sponsor said he worked closely with the National Rifle Association, Buckeye Firearms, and Ohioans for Concealed Carry to draft the legislation. "Together, we believe that any housing development that receives federal dollars should not have the right to circumvent the constitution," he said. "Simply stated, no one should be denied their second amendment right simply because they live in subsidized housing."

In response to Sen. Edna Brown (D-Toledo), the sponsor said a tenant can't be prohibited from keeping a firearm under the bill, but how it is stored is not addressed in the bill.

Nevertheless, Sen. Brown said there are many children in subsidized housing and tenants need education on various life matters. She said she was leery about endorsing such a proposal without some oversight of how they are stored on such properties.

Also responding to the senator, the sponsor said the bill does not limit nor does he support limiting the number of weapons that a tenant can keep in subsidized housing developments.


Subscribers Note: Full testimony is available on the [committee's website](#) under Dec. 12.

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Senate Activity for Tuesday, December 12, 2017

INTRODUCED

SB TEACHER EVALUATIONS (Lehner, P.) With regard to teacher evaluations. Am. 3311.80, 3311.84, 2403319.075, 3319.111, and 3319.112 and to repeal sections 3319.114 and 3319.58

SB NONPUBLIC SCHOOLS (Terhar, L., Thomas, C.) To establish a category of nonpublic schools called 241 "accredited nonpublic schools" and to prescribe requirements and exemptions for such schools. Am. 921.06, 955.43, 3301.07, 3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 3312.09, 3313.206, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133, 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and 5139.18 and to enact section 3301.165

COMMITTEE HEARINGS

Insurance & Financial Institutions

SB HEALTH PLAN CLAIMS (Huffman, M.) To require health plan issuers to release certain claim 227 information to group plan policyholders. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Matt Huffman (R-Lima) said the bill will help small businesses shop different health insurance providers by giving them and group policyholders access to certain claims information.

Under the current process, he said small businesses use insurance contracts from health insurers, which do not provide claims utilization data. That lack of information makes it difficult for employers to choose the best health care plan for employees' needs, he said.

"This claims data is needed by employers to promote high quality health insurance, yet insurance carriers often refuse to provide such information," he said. "Although insurers cite privacy issues, HIPAA categorizes claims data information as 'de-identified' information, meaning it neither identifies nor provides a reasonable basis to identify an individual."

Sen. Huffman said Texas and Louisiana have passed similar legislation, helping their small businesses make informed decisions about health coverage.

The bill is driven, in part, by small employers' recent experience with rising insurance costs, and that many companies want to offer the most efficient and lowest cost product they can, he said. That claims information can be important to shopping for insurance policies.

Sen. Huffman said the bill would not give employers information about employees' individual health conditions, as the claims data wouldn't include identifying information. That type of information release, he said, is allowed by federal health privacy laws.

The sponsor told Chair Sen. Jay Hottinger (R-Newark) that the bill requires the information to be released within 14 days, but said the key issue is that the information isn't currently available at all.

Sen. Bill Beagle (R-Tipp City) asked whether there are questions about who owns the claims data.

Sen. Huffman responded that data ownership isn't in question.

Sen. Bob Hackett (R-London) said he doesn't necessarily oppose the bill, but expressed concerns about making changes when federal health policy seems to be in flux. He also questioned whether the release of bad experience claims would lead to some employers getting hit with higher-cost coverage.

Sen. Huffman said simply receiving bad claims information wouldn't make an employer's rates less favorable. He said, however, that not having important information can lead to bad business decisions.

The sponsor told Sen. Sandra Williams (D-Cleveland) he doesn't know if the National Association of Insurance Commissioners has a policy on the concept.

Sen. Dave Burke (R-Marysville) questioned how having the information would help an employer negotiate rates if coverage options are largely pre-packaged.

Sen. Huffman said employers aren't likely to negotiate with insurers, but the information could also help companies decide if they are a good fit for association health plans.

Judiciary

SB ELDER FRAUD (Wilson, S.) To develop best practices and educational opportunities to combat elder fraud 158 and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (CONTINUED-AMENDED; 5th Hearing-All testimony-Possible vote)

Niki Clum, legislative liaison for the Ohio Public Defender, raised concerns about the fiscal impact of the bill.

She said administrative costs are likely to increase for county job and family services departments that are unlikely to be offset by an increased maximum fine.

"Whether the fine is \$50,000 or a lesser amount, it is unlikely that an indigent individual will have the means to pay any amount," she said. "Additionally, any funds that the individual can pay should be used as restitution so that the victim can be made whole. Therefore, SB158 will increase administrative costs to counties, and will not provide an income source to offset those costs."

A Legislative Service Commission technical amendment offered by Sen. Kevin Bacon (R-Minerva Park) was added to the bill.

SB GENITAL MUTILATION (Terhar, L., Lehner, P.) To prohibit female genital mutilation. 214 (CONTINUED; 1st Hearing-Sponsor)

Sen. Peggy Lehner (R-Kettering) said the procedure is most often performed on girls between the ages of 4 and 14.

"According to the World Health Organization, FGM has no medical benefits, and can actually cause several health problems. Complications such as excessive bleeding, infection, and extreme fever can occur immediately following the procedure," she said in sponsor testimony.

Sen. Lou Terhar (R-Cincinnati) said 26 states have adopted laws banning the practice.

"According to the AHA Foundation, Ohio has between 10,000 and 25,000 girls at risk of being forced to undergo this procedure," he said. "We know this is happening in Ohio and in our nearby states."

SB FIREARM LAWS (Uecker, J., Hottinger, J.) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. (CONTINUED (See separate story); 3rd Hearing-All testimony)

HBDATING PROTECTION ORDERS (Sykes, E., Manning, N.) To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. (CONTINUED; 4th Hearing-All testimony-Possible amendments & vote)

Sarah Wolf-Knight, advocacy coordinator at the YWCA Dayton, said in written testimony that current Ohio law is insufficient.

"Ohio is one of only two states to not include protections for those in dating relationships in our state statutes. Expanding this category to those in dating relationships would document ongoing abusive behaviors, address intimate partner violence earlier in relationships, and expand resources for those who experience dating violence," she wrote.

Ms. Wolf-Knight also said the legislation will remove a legal barrier for certain victims of domestic violence.

"Protection orders legally prevent contact between a victim and perpetrator. They can also grant child custody and require the perpetrator to relinquish any firearms. Protection orders work; they deter further violence and increase victim safety and peace of mind," she said. "Therefore, they should be available to all victims of intimate partner violence, regardless of one's relationship to their abuser."

Chairman Sen. Bacon said interested parties are working on a substitute version of the bill.

HB FIREARMS TRAINING (Retherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee. (CONTINUED-AMENDED; 2nd Hearing-Proponent)

An amendment offered by Sen. Matt Dolan (R-Chagrin Falls) clarified that EMTs can carry in SWAT situations only when approved by the law enforcement agency they are working with at the time.

Rep. Christina Hagan (R-Alliance) spoke of her brother who is a paramedic and often works in Columbus to serve on SWAT.

"What most don't know is that these medical professionals train shoulder to shoulder with their peers on the professional SWAT teams," she said. "I have spent time with our tactical training facility professionals in Alliance who are nationally recognized for their efforts. We discussed in great detail the need for this legislation with our officers who train alongside the nation's elite including the FBI."

Ajay Seth, a doctor who works with Canton SWAT, said he believes he should be able to carry a firearm when working with law enforcement.

"Prior to participating in a raid, I am able to carry a weapon under my CCW license. Presently I need to leave that weapon behind and partake in risky activities dealing with individuals in our society that have shown to use weapons towards other individuals. If needed, I must rescue individuals with gunshot wounds," he said. "It is very difficult at that time knowing that as you go into this battle zone that you are unarmed. Upon the

completion of my mission with the SWAT team I am then allowed to rearm myself with a weapon as I leave headquarters."

The panel also received written proponent testimony from representatives of the Columbus Division of Fire, the Colerain Township Public Safety Department, the Colerain Fire & EMS, the Liberty Township Fire Department, the Alliance Police Department Special Response Team and the City of Mansfield Fire Department.

HBPAULDING COURTS (Riedel, C.) To create the Paulding County Municipal Court in Paulding on January 2151, 2019, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Paulding County County Court on that date, to designate the Paulding County Clerk of Courts as the clerk of the Paulding County Municipal Court, and to provide for the election for the Paulding County Municipal Court of one full-time judge in 2018. (**REPORTED (No testimony)**; 3rd Hearing-All testimony-Possible vote)

SBJUVENILE BINDOVERS (Thomas, C.) To eliminate mandatory bindovers and reverse bindovers, and 64 modify the rules and procedures regarding a discretionary bindover, of an alleged juvenile offender from a juvenile court to a criminal court. (**CONTINUED (See separate story)**; 2nd Hearing-Proponent)

Subscriber's Note: For full written testimony, see the [committee's website](#) under Dec. 12.

Health, Human Services & Medicaid

SB CONTROLLED SUBSTANCES (Eklund, J.) To modify laws pertaining to the State Board of Pharmacy 229 and the regulation of controlled substances. (**CONTINUED**; 2nd Hearing-Proponent)

Steven Schierholt, executive director of the Board of Pharmacy, detailed the provisions in the bill designed to regulate controlled substances. The measure is designed as an update to the state's Controlled Substances Act, he said.

The bill would allow the board to act more quickly to designate drugs as controlled substances if they meet certain conditions. It reduces the criteria needed to make a compound a Schedule I substance on an emergency basis, matching the criteria used by the U.S. Drug Enforcement Administration.

The bill would not allow the board to schedule anything approved for use by the Food and Drug Administration, and it would still require an emergency order to be issued by the governor, but it would let the board meet via conference call to make the determination.

Mr. Schierholt said the proposal would also move the scheduling from statute to rule, enabling the board to more easily make changes and update the schedules.

Other provisions would shield the personal information of Pharmacy Board investigators and staff, make corrections to the 14-day limit on opioid prescriptions by ensuring it applies only to an initial fill and not to partially dispensed prescriptions, and would modify the licensure of office-based opioid treatment facilities.

The bill would exempt federally qualified health centers and correctional facilities from licensure as treatment facilities, as they already hold terminal distributor licenses, and would propose a ten-year lookback period for exclusion from employment in treatment facilities, allowing people who have had drug issues in the past to work at the centers.

"This legislation includes important reforms that will strengthen Ohio's efforts to address illicit drugs and implement needed reforms to assist the board in its mission to promote and protect the health and safety of all Ohioans," Mr. Schierholt said.

HB AWARENESS MONTH (Lipps, S.) To designate October as "Ohio Chiropractic Awareness Month." 196 (**REPORTED (No testimony)**; 3rd Hearing-All testimony-Possible vote)

HB ABORTION (LaTourette, S., Merrin, D.) To prohibit a person from performing, inducing, or attempting to **214** perform or induce an abortion on a pregnant woman who is seeking the abortion because an unborn child has or may have Down Syndrome. (**REPORTED** (See separate story); 1st Hearing-All testimony-Possible vote)

HB CONFIDENTIAL TREATMENT (Huffman, S., Sprague, R.) To provide for the establishment of a **145** confidential program for the treatment of certain impaired practitioners and to declare an emergency. (CONTINUED; 3rd Hearing-All testimony-Possible vote)

Chairman Sen. Dave Burke (R-Marysville) said the committee would hold off on a vote and consideration of an amendment dealing with board consolidation issues until January.

Jimelle Rumberg, executive director of the Ohio Foot and Ankle Medical Association, wrote in support of the bill, saying it would support patient safety by getting impaired physicians the help they need.

"This 'one-bite' program contained in HB145 will provide these impaired physicians with early intervention and treatment assistance while protecting the public," she wrote.

SB COTTAGE FOOD PRODUCTION (Thomas, C.) To allow a cottage food production operator to use a **233** firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Cecil Thomas (D-Cincinnati) said the bill would allow cottage food production operators to use firebrick ovens on patios at the operator's home.

He said the idea came from small business owners in his district who want to bake bread for their customers. They wanted to build an outdoor firebrick oven on their property, but current law prevents them from doing so.

The bill would allow for a firebrick oven used for cooking and located on a patio as another option for cottage food producers, he said.

"Now, I may not know a lot about baking artisanal bread, let alone running a bread baking business, but it is my belief that we should continue to work on increasing opportunities for our small businesses to thrive and excel as our markets change," the sponsor said.

SB 193 LONG-TERM CARE (Tavares, C.) To create a long-term care inspection committee. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Charleta B. Tavares (D-Columbus) said the bill would create a long-term inspection committee to inspect long-term care facilities every five years.

"We must make sure that our older adult population is cared for and protected," she said.

She said studies have found that elder abuse cases are underreported.

Sen. Vernon Sykes (D-Akron) asked if long-term care facilities are currently inspected.

Sen. Tavares said they are inspected regularly, but those are announced inspections.

"This is about, first and foremost, health and safety, and that's why I want to make sure that we're doing all we can to make sure people are on their toes at all times," she said.

Government Oversight & Reform

SB CYBERSECURITY (Hackett, B., Bacon, K.) To provide a legal safe harbor to covered entities that **220** implement a specified cybersecurity program. (CONTINUED; 1st Hearing-Sponsor)

Sen. Bob Hackett (R-London), chief sponsor along with Sen. Kevin Bacon (R-Minerva Park), said the bill "would provide an incentive for businesses to achieve a higher level of cybersecurity through voluntary action, and to provide an affirmative defense to a lawsuit which alleges a data breach was caused by a business' failure to implement reasonable information security controls."

"In order to receive the benefit of the safe harbor, a business must create its own cybersecurity program. To provide guidance to businesses, S.B. 220 lists eight different industry-recognized cybersecurity frameworks which a business can follow when creating its own cybersecurity program. Businesses are only required to incorporate one of the frameworks into the business' cybersecurity program. Further, businesses are free to choose whichever framework best fits their information security controls," he said.

Sen. Hackett said the bill is scalable to the needs of a particular business given cybersecurity needs can vary. "In other words, the requirements of S.B. 220 would depend on the size and scope of each business," he said. "The legislation lists five factors which a business' cybersecurity program can depend on, such as the size and complexity of the business along with the resources available to the business. Additionally, each of the eight industry-recognized cybersecurity frameworks mentioned in the legislation are designed to be scalable as well."

"Finally, it is important to note that the legislation does not create a minimum cybersecurity standard that can be violated and consequently added to a lawsuit against a business owner. In fact, the legislation specifically states that the legislation shall not be read to impose liability on businesses who do not comply with the provisions within S.B. 220, Rep. Hackett said.

Chairman Sen. Bill Coley (R-Liberty Twp.) observed that the sponsors had built in flexibility for changing technologies as a result of interested party meetings.

SB ABORTION (Uecker, J.) Regarding final disposition of fetal remains from surgical abortions.
28 (CONTINUED; 2nd Hearing-Proponent)

Jessica Koehler, director of legislative affairs for Ohio Right to Life, and several other representatives of RTL groups, presented proponent testimony.

"For decades, Ohio has required the humane disposal of aborted remains. In a 2015 investigation, Attorney General Mike DeWine found that the disposal practices of several Ohio abortion facilities were anything but humane," she said. "I hope we can all agree that disposal in a landfill in no way reflects a culture that honors the dignity of the human person."

Ms. Koehler said the bill requires that "the unborn victims of abortion either be humanely buried or cremated. Additionally, it increases informed consent to mothers pursuing abortions by requiring full disclosure of the handling of their unborn child's remains."

"In protecting the dignity of the unborn child, we believe that this legislation will also preserve some of our own," she added. "Indeed, this legislation says just as much about our humanity as it says about the unborn child's."

Denise Leipold, executive director of Right to Life of Northeast Ohio, likened the disposal of aborted remains to mass graves of Jews in World War II and of victims in Bosnia during the civil war in that country.

"It sickens me that I am here to testify about what we are to do with the remains of the unborn children that we legally allow mothers to kill. It sickens me that our laws are more concerned with what to do with their bodies after we let them be killed rather than protect them while they are alive," she said. "How ironic is it that in this bill, mothers who are about to kill their children are given the choice of whether to bury them or cremate them so that they can humanely dispose of the child whose life they are about to inhumanely end?"

Ms. Leipold said the bill is "not a political agenda against abortion, as Planned Parenthood executives have stated. This law instead is to deal with the tragic aftermath of abortion created by those who have such little

regard for the humane treatment of the unborn child while it is still alive."

Barry Sheets, representing the Right to Life Action Coalition of Ohio, listed the new restrictions in the bill, saying his group worked with the sponsor and believes it will "give the clarity that has been noted as lacking in our statutes by our state's attorney general."

"Trafficking in body parts is illegal, but without the accountability established by the language of Senate Bill 28, Ohio may not be assured that these organizations are operating lawfully and transparently. Given that the U.S. Department of Justice has now launched an investigation into the matter, it is indeed time for the common-sense provisions of SB28."


Pegi Deeter, director of operations and abortion recovery services at PDHC in Columbus, cited her experience as a post-abortive woman in expressing support for the bill, saying it was "unsettling to receive the knowledge that fetal parts are disposed of as everyday refuse."

"In my experience as a peer consultant to hundreds of other post-abortive women, I can attest to the trauma women experience of not knowing where their children have ended up, or worse, the trauma of knowing that their children have been disposed of in an inhumane manner," she said.

"I fully support SB28 and the requirement to ensure that remains, even those baby remains who are lost due to voluntary abortion, must be disposed of either by cremation or burial and failure to humanely dispose of aborted remains will be considered a crime."

Paul Coudron, representing Dayton Right to Life, recounted how the remains of a baby were found in a garbage can near a clinic and the burial drew 400 people.

Written supportive testimony was submitted by Bethesda Healing Ministry, Lake County RTL and RTL of Greater Cincinnati.

HB CONCEALED WEAPONS (Wiggam, S., Holmes, G.) To modify the requirement that a concealed **142** handgun licensee notify a law enforcement officer that the licensee is carrying a concealed handgun when  stopped. (CONTINUED; 1st Hearing-Sponsor)

Rep. Scott Wiggam (R-Wooster) said in sponsor testimony that it was important to note how "dysfunctional" current law is currently as it relates to concealed handgun notifications.

"Today, if you are a concealed-carry holder, part of the safest demographic in the United States, and you do not promptly inform any officer who approaches you for a law enforcement purpose that you have your license and your handgun on your person, you are to be charged with a misdemeanor of the first degree," he said. "This is the same penalty criminals face when charged with petty theft or domestic violence."

Outlining the bill with main cosponsor Rep. Glenn Holmes (D-McDonald), Rep. Wiggam said it updates notification laws by: only requiring the licensee to "inform the officer who asks for state identification such as a driver's license instead of "promptly" alerting the officer; allows the licensee to either verbally notify or hand the license to the officer; and notify an officer at the same time the officer is presented identification.

The bill also eliminates the current penalty and replaces it with a minor misdemeanor and maximum fine of \$25, Rep. Wiggam explained.

Rep. Wiggam said the bill is the first that's pro-CCW related to clear the House with bipartisan key sponsorship.

Rep. Holmes said it aims to clear up ambiguities in state law, saying he has personal experience with a situation in which a law enforcement officer didn't believe they were informed "promptly" enough.

The bill, he said, aims to "ensure that these incidents are avoided in the future by specifying exactly when a concealed handgun licensee must notify the officer on hand - that is, immediately upon receiving a request for

identification from the officer."

The sponsors said the bill, which was changed from its original form to eliminate the notification requirement, is backed by Buckeye Firearms and the NRA and that the Buckeye State Sheriffs Association is neutral.

HBECONOMIC DEVELOPMENT (Hambley, S., Rogers, J.) To establish a Regional Economic Development **122** Alliance Study Committee to study the benefits and challenges involved in creating regional economic development alliances. (**CONTINUED**; 1st Hearing-Sponsor)

"Simply put, House Bill 122 would establish the Regional Economic Development Study Committee to investigate the benefits of creating metropolitan economic development alliances," sponsor Rep. Steve Hambley (R-Brunswick) said.

Collaborative metropolitan economic development has been shown to benefit all participating entities, the sponsor said. The committee would study the features, benefits, and challenges involved in establishing metropolitan economic development alliances that would incentivize cooperation, enhance success, and provide for greater efficiency in economic development among participating municipal corporations, namely in metropolitan areas. The committee may also consider the process and structure of such alliances and review legislative proposals. In completing its study, the committee shall consult with various groups, including county commissioners, township trustees, mayors, city council members, members of statewide and metropolitan organizations, and members of chambers of commerce.

Rep. John Rogers (D-Mentor-on-the Lake) said the committee "would be bipartisan and will consist of members from the Ohio House of Representatives, the Ohio Senate, a designee of the Governor, academic representatives, and a representative from the Regional Prosperity Initiative." Other groups have asked to be included as non-voting members, he said. The committee will submit a report of its findings within one year of the effective date of the bill.

"We want to stress that this bill does nothing more than create a study committee. Our companion bill, Senate Bill 97, sponsored by Senators LaRose and Yuko, creates the very same study committee. It creates no obligations for local governments," he said. "Furthermore, the study will show whether this program would be beneficial or unfavorable to Ohio. Action taken past the study would require different legislation."

The bill passed out of the House State and Local Government Committee unanimously, and passed the House with bipartisan support 91-6, Rep. Rogers concluded.

SB COSMETOLOGY LAW (Jordan, K., Tavares, C.) To make changes to the Cosmetology Licensing Law. **129** (**CONTINUED**; 2nd Hearing-Proponent)

Some 20 witnesses either testified or submitted written statements to the panel in support of the bill.

Tony Fiore, legal counsel of the Ohio Salon Association, said the bill stems from the work of the Future of the Beauty Industry Coalition, which for four years has been developing research from all 50 states. The FBIC is made up of cosmetologists, students, salon owners, manufacturers, distributors, and cosmetology schools, he said. "This group came together to provide reasonable reforms to state cosmetology law rather than simply deregulating the industry."

Mr. Fiore said the current state of salon training in the state calls for a legislative response. "We have a workforce development problem in the beauty industry in Ohio. Since May 2015, twenty-five percent of private schools of cosmetology have closed in this state and we expect more in the future. This is creating a significant shortage of qualified candidates across the state," he said.

Detailing the various aspects of the bill, he noted in part that it would require no more than 1,000 hours of training to obtain a cosmetology license compared to 1,500 today. Comparatively, he said, it takes 150 hours to

become an EMT-Technician, 695 hours to become a police officer, 900 hours to become an EMT-Paramedic, and 1,376 to become a Licensed Practical Nurse.

The witness also pointed to the reciprocity language in the bill as being beneficial.

"Reducing the amount of hours in Ohio and removing the requirement for those licensed in other states to take an Ohio exam increases the number of people eligible to come work in Ohio," Mr. Fiore said. "This will greatly increase the job providers' ability to fill open positions on border locations."

Many changes have been made to the bill to address concerns of opponents, he said.

Responding to a question from Chairman Coley, the witness said the hour requirements would not inhibit practitioners from getting jobs in other states, adding that New York, with its stringent requirements, is considered the Mecca of the beauty industry.

"We just want to make sure the state of Ohio is setting a floor and not a ceiling" in terms of requirements, he said.

Sen. Coley said research has indicated there could be reciprocity problems with other states under the bill. Mr. Fiore said he disagreed with that assessment, saying the hourly requirements mesh with what career-tech schools are mandating.

"We don't see that other states would not accept Ohio's license," he said.

Clara Osterhage, of R.L.O., Inc., a franchisee with 63 of 72 Great Clips salons in the state, focused on the hour requirements, license mobility across state lines and "shrinking pipeline" for licensees that the bill addresses.

Given that about half of licensees get 1,000 hours of training at career-tech schools and the other half 1,500 hours at private schools, she said, "At the end of the day, there is no discernible difference in the quality of the graduates from a technical aspect."

"The comparable value of the two school venues is further reinforced by the similar passage rates experienced on the cosmetology board exam. Both are prepared for the State Board examination, but neither are prepared to stand behind a chair and service the paying consumer," Ms. Osterhage said. "That readiness comes only from experience in a work environment that is capable of building technical skills and resulting levels of confidence. The school clinic floor is not a viable substitute. Equalizing the playing field by allowing both public and private students to achieve 1,000 hours of education prior to obtaining a license serves to permit both groups to begin their careers without additional costly educational barriers."

Regarding licensing mobility, the witness said, "Having salons that are located across state lines in Kentucky, Indiana, and West Virginia, I can say with confidence that we do not make it easy for the licensed cosmetologist to come to work in Ohio. I believe that all licenses should be treated with respect and should be endorsed across state lines without issue. Hair is Hair."

Ms. Osterhage said 17 private cosmetology schools closed in Fiscal Year 2017, underscoring the need to free up the licensing pipeline.

"The bottom line is that the pool of newly graduated candidates is shrinking for the nearly 10,000 licensed salons in Ohio," she said. "It will not be surprising if the trend in closures continues, and as a business owner, it is my obligation to be involved in finding options and solutions."

"SB129 creates an apprenticeship program as another option available to us. And while it will not be my desire to incorporate this concept into my own business unless the candidate pool dries up considerably more than it has, I think it is a necessary safety net that will allow salon owners to keep their doors open."

Brandon Ogden, director of the Ohio Small Business Council for the Ohio Chamber of Commerce, said the bill fits with his group's focus on addressing issues related to workforce development and business overregulation.

"The Ohio Chamber supports SB129 which addresses the concerns of salon owners across the state," he said. "The legislation harmonizes public and private education by reducing the licensure hours to 1,000."

"It is worth noting that this reduction in training hours is likely to attract cosmetology students to Ohio from surrounding states. It is critical that Ohio become more competitive than other states, as salon owners are beginning to cite workforce shortages. If the educational hurdles are not addressed soon, the increased workforce shortages within the industry could take several years, possibly even decades to reverse."

Mr. Ogden said the chamber also backs the apprenticeship program in the bill.

"Given the fact that dozens of cosmetology schools have closed in the past couple of years, this option could address the reduction of educational opportunities for prospective students," he said. "Apprenticeship programs also have the benefit of providing students with hands-on experience instead of an excessive amount of book work."

Among the numerous other proponents who submitted written testimony on the bill were members of the Ohio Board of Cosmetology, representatives of the Professional Beauty Association, Future of the Beauty Industry Coalition and Institute for Justice, and owners of several salons across the state.

SB FIREARM OWNERSHIP (LaRose, F.) Regarding a tenant of subsidized rental premises owning, using, or 234possessing a firearm, a firearm component, or ammunition within the tenant's residential dwelling unit.

■ **(CONTINUED; 1st Hearing-Sponsor)**

"This legislation is designed to prevent certain housing developments from infringing on Ohioans' Second Amendment rights," Sen. Frank LaRose (R-Hudson) said in sponsor testimony. "Currently, landlords of housing developments who accept federal assistance dollars can force residents to sign rental agreements banning the possession of firearms on the premises. This bill, if enacted, would prohibit such rental agreements from being forced upon people, thus protecting their constitutional rights."

This "necessary change," he said, would only affect housing developments which receive funding from one of the following federal assistance programs:

--The United States Department of Agriculture's Multifamily Housing Rental Assistance Program under Title V of the "Federal Housing Act of 1949."

--The United States Department of Housing and Urban Development's Housing Choice Voucher Program, the New Construction Program, and the Substantial Rehabilitation Program.

--The Moderate Rehabilitation Program under section 8 of the "United States Housing Act of 1937."

"It's important to note that landlords cannot be held liable for any incident involving a firearm that occurs on their premises," the sponsor said. "However, if they were to continue to implement and enforce similar rules on their property, tenants may seek damages and reasonable attorney's fees."

The sponsor said he worked closely with the National Rifle Association, Buckeye Firearms, and Ohioans for Concealed Carry to draft the legislation. "Together, we believe that any housing development that receives federal dollars should not have the right to circumvent the constitution," he said. "Simply stated, no one should be denied their second amendment right simply because they live in subsidized housing."

In response to Sen. Edna Brown (D-Toledo), the sponsor said a tenant can't be prohibited from keeping a firearm under the bill, but how it is stored is not addressed in the bill.

Nevertheless, Sen. Brown said there are many children in subsidized housing and tenants need education on various life matters. She said she was leery about endorsing such a proposal without some oversight of how they are stored on such properties.


Also responding to the senator, the sponsor said the bill does not limit nor does he support limiting the number of weapons that a tenant can keep in subsidized housing developments.

Subscribers Note: Full testimony is available on the [committee's website](#) under Dec. 12.

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